



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

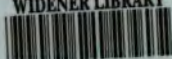
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

FR  
1325  
7

WIDENER LIBRARY



HX G6PL W

Fr 1325.7



HARVARD  
COLLEGE  
LIBRARY





14. 6. 2. 45

14. 6. 8. 1

Harvard College Library  
from the Author.

Handwritten text, likely bleed-through from the reverse side of the page. The text is illegible due to the quality of the scan and the nature of the handwriting.







PEACE-REPUBLICANS' MANUAL;  
OR;  
**THE FRENCH CONSTITUTION**  
of 1793,

AND THE DECLARATION  
OF THE RIGHTS OF MAN AND OF CITIZENS.

*According to the Moniteur of June 27th, 1793; in the original French,  
together with a translation in English.*

TO WHICH IS ADDED :

DEBATES ON THIS CONSTITUTION,  
IN THE NATIONAL CONVENTION ;

*Being brief extracts, translated from the Moniteur; and involving a  
number of most important political queries ;*

TRANSLATED EXTRACTS FROM

PIECES SEIZED IN BABŒUF'S ROOMS ;

*Extracts from a translation of*

**ROUSSEAU'S WORK**

ON THE

SOCIAL CONTRACT ;

*And various other extracts, some in the French, and others in the  
English language ;*

WITH NUMEROUS AND EXTENSIVE NOTES.

*By Maria Hetta Hulshoff.*  
In magnis voluere satia.

---

NEW-YORK:

SOLD BY J. TIEBOUT & SONS, NO. 238 WATER-STREET.

.....  
1817.  
.....

Price 50 cents.

Fa 1325.7

HARVARD  
UNIVERSITY  
LIBRARY

N. B. Orders for this work to be sent, postpaid, to J. TIEBOUT & SONS, Booksellers, No. 238 Water-street, New-York.

Price, for Booksellers, 3 dolls. the twelve copies, in boards ; payable at receiving the copies ordered.

## TABLE OF CONTENTS.

	Page
<i>Préface,</i>	iii
<i>Preface,</i>	v
<i>Déclaration des Droits de l'Homme et du Citoyen,</i>	1
<i>L'Acte Constitutionnel,</i>	5
Declaration of the Rights of Man, &c.	16
The Act of the Constitution,	21
Extracts from the Debates on the Act of the Constitution,	35.
A few observations on art. 109 of the French Constitution of 1793, compared to the Rights of Man, as acknowledged, &c. [An original piece, chiefly on the subject of compulsion to the bearing of arms.]	65
Translated extract, from a Dutch manuscript containing observations upon several articles of the French Constitution of 1793,	74
Extracts from a translation of Rousseau's work on the Social Contract. [With parts of the original, and with notes added.]	76
Translated extracts from pieces seized in Babœuf's rooms,	85
Extracts from a work entitled : Cato's letters ; or essays on liberty, &c.	94
Extracts from a work entitled : War inconsistent, &c.	106
Extracts from a publication entitled : A Solemn Review of the Custom of War ; &c. [With notes added.]	109
Extracts from the work entitled : Rights of Man : &c. [With notes added.]	114
<i>Extraits d'une lettre que J. B. Drouet, se proposa d'envoyer au Citoyen Carnot, &amp;c.</i>	121

<i>Extraits d'une piece intitulée : Quelques apperçus sur la Révolution Française, depuis la mort de Capet.</i>	124
[With some notes in the English language.]	
<i>Extraits d'une Adresse aux Départemens de la République Française,</i>	129
<i>Extraits de l'ouvrage de J. J. Rousseau, intitulé : Du Contract Social, &amp;c.</i>	131
<i>Fragmens Poétiques,</i>	133
A few War Scenes,	138
A short extract from J. Fawcett's Poem : Civilized War,	141
Copious extracts from a publication entitled : A Momentous Address to the People of Great Britain and Ireland ; &c.—By an independent Friend to radical Reform. London : 1810.	142
Titles of some Books,	162

## PRÉFACE.

---

J'OFFRE aux Républicains, dans ce Pays favorisé, la lecture de la Déclaration des droits, et de la Constitution de 1793, pièces si dignes d'être préservées, comme très importantes et calculées pour rectifier des opinions concernant, l'époque mémorable qui les vit naître, les amis du Peuple qui eurent alors de l'influence, et le Peuple souverain qui accepta cette constitution à une si grande majorité dans ce temps d'espoir.

J'y joins quelques autres pièces ; les notes marquées de cette manière (\*) ou (+), appartinrent originellement aux pièces sous lesquelles elles se trouvent ; les notes numérotées au contraire sont toutes d'une même main, ainsi que les mots ajoutés, lesquels sont constamment renfermés en crochets [ ], et jamais en parenthèses ( ).

Je desiré pourtant que le lecteur ne me regarde que comme publiant seulement, le tout, et chaque partie ; hormis les préfaces, je déclare ne faire qu'offrir tout le reste, sans excepter le contenu de ces notes numérotées, à la considération du lecteur. Je n'offre que des idées, des opinions, sans déclarer si les miennes y sont conformes.

Si j'ai embelli cette compilation par des extraits d'un ouvrage renommé et important de l'illustre Citoyen de Genève, que personne ne me soupçonne de ne pas détester des expressions qui malheureusement ont pu tomber de la plume de cet auteur, par ignorance et préjugés à l'égard de ce qui est beaucoup plus important que tous les autres sujets ensemble qui peuvent occuper, pendant son court séjour dans ce monde, l'esprit immortel d'un mortel, fragile, et qui a désobéi à son Créateur.—Ah ! la Révélation seule du Dieu de bonté, le Dieu juste et Sauveur,—l'Evangile, dans sa pureté, et libre de corruptions humaines,—révèle les fondemens d'un espoir solide et raisonnable, d'un espoir glorieux, à l'égard du genre humain !

LA compilation que je publie à présent n'est ni ma propriété ni celle d'aucune autre personne, le droit de copie n'étant point réservé ; si quelque ami des vrais principes la réimprime, en tout ou en partie, il me fera un grand plaisir.

DES noms chers à des Démocrates Européens se trouvent mentionnés dans ce petit ouvrage, mais je ne suis point à même de donner des notices biographiques ; si cet ouvrage tombe sous les mains d'un des "égaux," jouissant de sûreté dans ces Etats hospitaliers, et possédant des matériaux suffisans, je lui demande s'il ne pourrait se rendre utile en publiant des notices biographiques de Robespierre, de Saint-just, de Babœuf, et d'autres, dans ce Pays où la vérité peut se publier, et où il existe pourtant, à ce qui me parait, des préjugés à l'égard d'hommes et d'événemens dans l'esprit de quelques Républicains ?

MARIA ALETTA HULSHOFF.

*New-York, le 3eme, du 2eme Mois, 1817.*

## PREFACE.

---

THE Constitution, accepted by the French sovereign People in the year 1793, the Declaration of the rights of man, proclaimed in the same year, that year of rejoicing prospects for the French true Republicans, and several other pieces contained in the compilation now published by me, appear to me very important and interesting, and worthy to be more generally known.

UPON inquiry, I could not find that this Constitution had ever been published in New-York in a pamphlet form; and as Newspapers, though containing momentous state-papers, are too seldom preserved, I thought it probable, that a translation of this Constitution (although translations of the same, and of the Declaration of rights, were published in the New-York journal extraordinary of September 7, 1793,) would be found at present in the possession of but very few persons. I therefore yielded to the desire I felt, of having a small number of copies printed in this favoured Land, where sound reasonings and unperverted accounts of facts can be freely published, and ideas and opinions submitted to the consideration of the reader, without restraint or danger.

TOGETHER with this Constitution in the original, (as contained in the *Moniteur*,) and the translation thereof, which it is hoped is in a good degree literal and accurate, I publish some other pieces which were in my possession. They are not all alike valuable, but I trust some will be acceptable and interesting at least to some readers, and so I trust will the extracts from well known works. I considered it an essential point to add so much matter as would give this little work, in consequence of its size, a fairer chance to preservation, than if it had been a mere small pamphlet.

THE notes marked thus (\*), and thus (+), originally belonged to the pieces, under which they are found; those



marked with a number, on the contrary are all of one hand, and so are words added in the pieces inserted in this compilation, to make the sense more plain or for other causes. Such words are in this work always distinguished by being placed between crotchets like these [ ], never by being printed in *Italics*, or by being inclosed in parentheses like these ( ).

I HOWEVER, wish to be considered by my readers merely in the character of a publisher, in respect to *all* the contents of this compilation (the prefaces excepted); as well with regard to the numbered notes, and, words added, as to the inserted original pieces, the extracts and the translations. The whole, as well as every part, whatever positive assertions they may contain, I declare to offer merely to the consideration of my readers as a publisher. In several instances my own opinion differs from assertions contained in this compilation.

If the sound and excellent ideas respecting war and other subjects, which are extracted from the works of two renowned, and, in some respects, in my opinion, great, useful, and enlightened authors, be relished by some of my readers, friends to the rights of man and universal peace; let none suppose that I do not abhor the expressions used by these very authors, when unhappily they speak evil of that, which it is evident they did not understand; but which alone affords solid and rational grounds of joyful prospects and exultation to those who wish the true happiness of their fellow-men.—I greatly disapprove also of some ideas exhibited in other works from which I have made quotations; but generally, I considered those parts which I have inserted, as containing important opinions.

I HOPE that this compilation may contribute to eradicate from the minds of some Republicans in this Country their incorrect ideas respecting the political conduct and views of some of the renowned men who were conspicuous in the French revolution: men who, having devoted themselves to the good cause of liberty, died as martyrs in its cause! That their names are often repeated with scorn and slander by the numerous adherents to despotism and

folly, is honourable to them, and in some respects pleasing to the surviving friends of that cause which they so zealously defended; but there is something peculiarly painful in the thought that some friends to liberty and truth withhold the tribute due to their political conduct. May some French *Republican*, who has found safety on these hospitable shores, and is better acquainted with particulars than myself, favour the public with *true* biographical sketches!—May this compilation also contribute to increase a detestation of war, and to invigorate Patriotism and the love of liberty in some minds!

I HAVE compiled this publication under considerable disadvantages, arising in part from a feeble state of health and an imperfect acquaintance with both the English and French languages, not to mention other unpropitious circumstances. I wish it may not escape observation that no copy right is reserved. It would be peculiarly gratifying to me if any friend to sound principles should re-print it, in part or wholly. Only a limited number of copies is now to be struck off, and I do not intend to be concerned in any other edition. Relative duties have appeared for a considerable time to call me back to my native Country, Holland, once in some degree, *free* and prosperous, but which now ought to serve as a beacon, to warn other Nations against the consequences of factions, wars, national supineness and inactivity, and of submission to the first encroachments on the liberty of the people. For this Country I intend, if consistent with the perfect will of the Saviour, to embark without delay when this publication shall see the light, under an impression that I can live there now (since the fall of Buonaparte) in safety and without prison-walls, if I preserve *silence*, though in no manner denying my political principles, which are there so well known. And my stay on earth will probably not be long.

MAY these United States, "The stranger's home," prosper! May light and truth gain ground; and peace and liberty here establish their permanent abode!

MARIA ALETTA HULSHOFF.

*New-York, First month 24th, 1817.*



# DECLARATION

DES

## DROITS DE L'HOMME ET DU CITOYEN.

Le Peuple Français, convaincu que l'oubli et le mépris des droits naturels de l'Homme sont les seules causes des malheurs du Monde, a résolu d'exposer dans une déclaration solennelle ces droits sacrés et inaliénables, afin que tous les Citoyens, pouvant comparer sans cesse les actes du gouvernement avec le but de toute institution sociale, ne se laissent jamais opprimer et avilir par la tyrannie ; afin que le Peuple ait toujours devant des yeux les bases de sa liberté et de son bonheur ; le magistrat, la règle de ses devoirs ; le législateur, l'objet de sa mission.

En conséquence, il proclame, en présence de l'Etre Suprême, la déclaration suivante des droits de l'Homme et du Citoyen.

**ART. 1<sup>er</sup>.** Le but de la Société est le bonheur commun.

Le gouvernement est institué pour garantir à l'Homme la jouissance de ses droits naturels et imprescriptibles.

2. Ces droits sont l'égalité, la liberté, la sûreté, la propriété.

3. Tous les hommes sont égaux par la nature et devant la loi.

4. La loi est l'expression libre et solennelle de la volonté générale ; elle est la même pour tous, soit qu'elle protège, soit qu'elle punisse ; elle ne peut ordonner que ce qui est juste et utile à la Société : elle ne peut défendre que ce qui lui est nuisible.

5. Tous les Citoyens sont également admissibles aux emplois publics. Les Peuples libres ne connaissent d'autres motifs de préférence dans leurs élections, que les vertus et les talents.

6. La liberté est le pouvoir qui appartient à l'Homme de faire tout ce qui ne nuit pas aux droits d'autrui : elle a pour principe la nature ; pour règle la justice ; pour sauvegarde la loi : sa limite morale est dans cette maxime :

*Ne fais pas à un autre ce que tu ne veux pas qu'il te soit fait.*

7. Le droit de manifester sa pensée et ses opinions, soit par la voie de la presse, soit de toute autre manière, le droit de s'assembler paisiblement, le libre exercice des cultes ne peuvent être interdits.

La nécessité d'énoncer ces droits suppose ou la présence ou le souvenir récent du despotisme.

[8. Ce qui n'est point défendu par la loi ne peut être empêché; personne ne peut être forcé à faire ce qu'elle n'ordonne point.](1)

8. La sureté consiste dans la protection accordée par la Société à chacun de ses Membres pour la conservation de sa personne, de ses droits et de ses propriétés.

9. La loi doit protéger la liberté publique et individuelle, contre l'oppression de ceux qui gouvernent.

10. Nul ne doit être accusé, arrêté, ni détenu, que dans les cas déterminés par la loi et selon les formes qu'elle a prescrites; tout Citoyen appelé ou saisi par l'autorité de la loi, doit obéir à l'instant; il se rend coupable par la résistance.

11. Tout acte exercé contre un homme hors des cas et sans les formes que la loi détermine, est arbitraire et tyrannique: [le respect pour la loi lui défend de s'y soumettre:] (2) celui contre lequel on voudrait l'exécuter par la violence, a le droit de le repousser par la force.

12. Ceux qui solliciteraient, expédieraient, signeraient, exécuteraient ou feraient exécuter des actes arbitraires sont coupables et doivent être punis.

13. Tout homme étant présumé innocent, jusqu'à ce qu'il ait été déclaré coupable, s'il est jugé indispensable de l'arrêter, toute rigueur qui ne serait pas nécessaire pour s'assurer de sa personne, doit être sévèrement réprimée par la loi.

14. Nul ne doit être jugé, et puni; qu'après avoir été entendu ou légalement appelé, et qu'en vertu d'une loi,

(1) Comme cet article se trouve dans plus d'une traduction que j'ai vue, il me paraît douteux s'il a été omis dans *Le Moniteur*, on rejette à la rédaction finale de la constitution.

(2) Peut-être ces mots ont été omis dans *Le Moniteur*.

promulguée antérieurement au délit : la loi qui punirait des délits commis avant qu'elle existât, serait une tyrannie ; l'effet rétroactif donné à la loi, serait un crime.

15. La loi ne doit décerner que des peines strictement et évidemment nécessaires : les peines doivent être proportionnées au délit et utiles à la Société.

16. Le droit de propriété est celui qui appartient à tout Citoyen de jouir et de disposer à son gré de ses biens, de ses revenus, du fruit de son travail et de son industrie.

17. Nul genre de travail, de culture, de commerce, ne peut être interdit à l'industrie des Citoyens.

18. Tout homme peut engager ses services, son temps ; mais il ne peut se vendre ni être vendu. Sa personne n'est pas une propriété aliénable. La loi ne reconnaît point de domesticité ; il ne peut exister qu'un engagement de soins et de reconnaissance entre l'homme qui travaille et celui qui l'emploie.

19. Nul ne peut être privé de la moindre portion de sa propriété, sans son consentement, si ce n'est lorsque la nécessité publique légalement constatée l'exige, et sous la condition d'une juste et préalable indemnité.

20. Nulle contribution ne peut être établie que pour l'utilité générale.(3) Tous les Citoyens ont droit de concourir à l'établissement des contributions, d'en surveiller l'emploi, et de s'en faire rendre compte.

21. Les secours publics sont une dette sacrée. La Société doit la subsistance aux Citoyens malheureux, soit en leur procurant du travail, soit en assurant les moyens d'exister à ceux qui sont hors d'état de travailler.

22. L'instruction est le besoin de tous. La Société doit favoriser de tout son pouvoir les progrès de la raison publique, et mettre l'instruction à la portée de tous les Citoyens.

23. La garantie sociale consiste dans l'action de tous, pour assurer à chacun la jouissance et la conservation de ses droits ; cette garantie repose sur la souveraineté nationale.

(3) *Peut-être* il y a ici les mots, " et pour pourvoir au besoins publics." que *Le Moniteur* ne contient point.

24. Elle ne peut exister, si les limites des fonctions publiques ne sont pas clairement déterminées par la loi, et si la responsabilité de tous les fonctionnaires n'est pas assurée.

25. La souveraineté réside dans le Peuple. Elle est une et indivisible, imprescriptible et inaliénable.

26. Aucune portion du Peuple ne peut exercer la puissance du Peuple entier ; mais chaque section du Souverain assemblée doit jouir du droit d'exprimer sa volonté avec une entière liberté.

27. Que tout individu qui usurperait la souveraineté, soit à l'instant mis à mort par les hommes libres.(4)

28. Un Peuple a toujours le droit de revoir, de réformer et de changer sa constitution. Une génération ne peut assujettir à ses lois les générations futures.

29. Chaque Citoyen a un droit égal de concourir à la formation de la loi et à la nomination de ses mandataires ou de ses agens.

30. Les fonctions publiques sont essentiellement temporaires ; elles ne peuvent être considérées comme des distinctions ni comme des récompenses, mais comme des devoirs.

31. Les délits des mandataires du Peuple et de ses agens ne doivent jamais être impunis. Nul n'a le droit de se prétendre plus inviolable que les autres Citoyens.

32. Le droit de présenter des pétitions aux dépositaires de l'autorité publique, [appartient à chaque individu. L'exercice de ce droit](5) ne peut en aucun cas être interdit, suspendu, ni limité.

33. La résistance à l'oppression est la conséquence des autres droits de l'Homme.

(4) D'après une traduction il semble qu'on lit dans l'original ainsi : " Tout individu qui s'arroge la souveraineté, ou qui en usurpe l'exercice, doit être mis à mort par les hommes libres." Il me paraît que *Le Moniteur* n'est pas correct ici. Je suis incliné à présumer que dans l'original on lit : " Tout individu qui usurperait la souveraineté doit à l'instant être mis à mort par les hommes libres." C'est à dire : "s'il arrive qu'un individu *usurpe* la souveraineté." Comparez art. 12 de cette Déclaration.

(5) Il me paraît que ces mots ont été omis dans *Le Moniteur* ; ils se trouvent dans deux traductions.

34. Il y a oppression contre le Corps Social, lorsqu'un seul de ses Membres est opprimé. Il y a oppression contre chaque Membre, lorsque le Corps Social est opprimé.

35. Quand le gouvernement viole les droits du Peuple, l'insurrection est pour le Peuple et pour chaque portion du Peuple le plus sacré des droits(6) et le plus indispensable des devoirs.

## ACTE CONSTITUTIONNEL.

### *De la République.*

ART. 1<sup>er</sup>. La République Française est une et indivisible.

### *De la Distribution du Peuple.*

2. Le Peuple Français est distribué, pour l'exercice de sa souveraineté, en assemblées primaires de cantons.

3. Il est distribué, pour l'administration et pour la justice, en départements, districts, municipalités.

### *De l'état des Citoyens.*

4. Tout homme né et domicilié en France, âgé de 21 ans accomplis ;

Tout étranger âgé de 21 ans accomplis, qui, domicilié en France depuis une année,

Y vit de son travail ;

Ou acquiert une propriété ;

Ou épouse une Française ;

Ou adopte un enfant ;

Ou nourrit un vieillard ;

Tout étranger enfin, qui sera jugé par le corps législatif avoir bien mérité de l'humanité,

Est admis à l'exercice des droits de Citoyen Français.

5. L'exercice des droits de Citoyen se perd,

Par la naturalisation en pays étranger ;

Par l'acceptation de fonctions ou faveurs émanées d'un gouvernement non populaire ;

(6) Les mots, " des droits " ne se trouvent point dans deux traductions de cette Déclaration.



Par la condamnation à des peines infamantes ou afflictives, jusqu'à réhabilitation.

6. L'exercice des droits de Citoyen est suspendu,  
Par l'état d'accusation ;

Par un jugement de contumace, tant que le jugement n'est pas anéanti.(7)

*De la Souveraineté du Peuple.*

7. Le Peuple souverain est l'universalité des Citoyens Français.

8. Il nomme immédiatement ses députés.

9. Il délègue à des électeurs le choix des administrateurs, des arbitres publics, des juges criminels et de cassation.

10. Il délibère sur les lois.

*Des Assemblées Primaires.*

11. Les assemblées primaires se composent des Citoyens domiciliés depuis six mois dans chaque canton.

12. Elles sont composées de 200 Citoyens au moins, de 600 au plus, appelés à voter.

13. Elles sont constituées par la nomination d'un président, de secrétaires, de scrutateurs.

14. Leur police leur appartient.

15. Nul n'y peut paraître en armes.

16. Les élections se font au scrutin ou à haute voix, au choix de chaque votant.

17. Une assemblée primaire ne peut, en aucun cas, prescrire une mode uniforme de voter.

18. Les scrutateurs constatent le vote des Citoyens qui, ne sachant point écrire, préfèrent de voter au scrutin.

19. Les suffrages sur les lois(8) sont donnés par *oui* et par *non*.

(7) Peut-être *Le Moniteur* a omis ici les mots suivans : " Par la démence ou la prodigalité légalement constatée." Peut-être " Par la démence," est omis seulement ; ces derniers mots se trouvent dans une traduction.

(8) Voyez l'article 34, 59 et 60.

## CONSTITUTIONNEL.

20. Le vœu de l'assemblée primaire est proclamé ainsi :  
*Les Citoyens réunis en assemblée primaire de . . . au nombre de . . . votans, votent pour, ou, votent contre, à la majorité de . . . . .*

### *De la Représentation Nationale.*

21. La population est la seule base de la représentation nationale.

22. Il y a un député en raison de 40 mille individus.

23. Chaque réunion d'assemblées primaires, résultant d'une population de 39,000 à 41,000 âmes nomme immédiatement un député.

24. La nomination se fait à la majorité absolue des suffrages.

25. Chaque assemblée fait le dépouillement des suffrages, et envoie un commissaire pour le recensement général, au lieu désigné comme le plus central.

26. Si le premier recensement ne donne point de majorité absolue, il est procédé à un second appel, et on vote entre les deux Citoyens qui ont réuni le plus de voix.

27. En cas d'égalité de voix, le plus âgé a la préférence, soit pour être ballotté, soit pour être élu. En cas d'égalité d'âge, le sort décide.

28. Tout Français, exerçant les droits de Citoyen, est éligible dans l'étendue de la République.

29. Chaque député appartient à la Nation entière.

30. En cas de non acceptation, démission, déchéance, ou mort d'un député, il est pourvu à son remplacement par les assemblées primaires qui l'ont nommé.

31. Un député qui a donné sa démission ne peut quitter son poste qu'après l'admission de son successeur.

32. Le Peuple Français s'assemble tous les ans, le 1er Mai, pour les élections.

33. Il y procède, quelque soit les nombre [présent] des Citoyens ayant droit d'y voter.

34. Les assemblées primaires se forment extraordinairement, sur la demande du cinquième des Citoyens qui ont droit d'y voter.

35. La convocation se fait, en ce cas, par la municipalité du lieu ordinaire du rassemblement.

36. Ces assemblées extraordinaires ne délibèrent qu'autant que la moitié, plus un, des Citoyens qui ont droit d'y voter, sont présents.

*Des Assemblées Electorales.*

37. Les Citoyens réunis en assemblées primaires, nomment un électeur à raison de 200 Citoyens, présents ou non ; deux depuis 201 jusqu'à 400 ; trois depuis 401 jusqu'à 600.

38. La tenue des assemblées électorales, et le mode des élections, sont les mêmes que dans les assemblées primaires.

*Du Corps Législatif.*

39. Le corps législatif est un, indivisible et permanent.

40. Sa session est d'un an.

41. Il se réunit le 1<sup>er</sup> Juillet.

42. L'assemblée nationale ne peut se constituer si elle n'est composée au moins de la moitié des députés, plus un.

43. Les députés ne peuvent être recherchés, accusés ni jugés en aucun temps, pour les opinions qu'ils ont énoncées dans le sein du corps législatif.

44. Ils peuvent, pour fait criminel, être saisis en flagrant délit ; mais le mandat d'arrêt ni le mandat d'amener ne peuvent être décernés contre eux qu'avec l'autorisation du corps législatif.

*Tenue des Séances du Corps Législatif.*

45. Les séances de l'assemblée nationale sont publiques.

46. Les procès-verbaux de ses séances sont imprimés.

47. Elle ne peut délibérer si elle n'est composée de 200 membres, au moins.

48. Elle ne peut refuser la parole à ses membres, dans l'ordre ou ils l'ont réclamée.

49. Elle délibère à la majorité des présents.

50. Cinquante membres ont le droit d'exiger l'appel nominal.

51. Elle a le droit de censure sur la conduite de ses membres dans son sein.

52. La police lui appartient dans le lieu de ses séances, et dans l'enceinte extérieure qu'elle a déterminée.

*Des fonctions du Corps Législatif.*

53. Le corps législatif propose des lois, et rend des décrets.

54. Sont compris sous le nom général de *lois*, les actes du corps législatif concernant :

La législation civile et criminelle ;

L'administration générale des revenus et des dépenses ordinaires de la République ;

Les domaines nationaux ;

Le titre, le poids, l'empreinte et la dénomination des monnaies ;

La nature, le montant, et la perception des contributions ;

La déclaration de guerre ;

Toute nouvelle distribution générale du territoire Français ;

L'instruction publique ;

Les honneurs publics à la mémoire des grands hommes.

55. Sont désignés sous le nom particulier de *décrets*, les actes du corps législatif concernant :

L'établissement annuel des forces de terre et de mer ;

La permission ou la défense du passage des troupes étrangères sur le territoire Français ;

L'introduction des forces navales étrangères dans les ports de la République ;

Les mesures de sûreté et de tranquillité générale ;

La distribution annuelle et momentanée des secours et travaux publics ;

Les ordres pour la fabrication des monnaies de toute espèce ;

Les dépenses imprévues et extraordinaires ;

Les mesures locales et particulières à une administration, à une commune, à un genre de travaux publics ;

La défense du territoire ;

La ratification des traités ;

La nomination et la destitution des commandans en chef des armées ;

La poursuite de la responsabilité des membres du conseil, des fonctionnaires publics ;

L'accusation des prévenus de complots contre la sureté générale de la République ;

Tout changement dans la distribution partielle du territoire Français ;

Les récompenses nationales.

*De la formation de la Loi.*

56. Les projets de loi sont précédés d'un rapport.

57. La discussion ne peut s'ouvrir, et la loi ne peut être provisoirement arrêtée que 15 jours après le rapport.

58. Le projet est imprimé et envoyé à toutes les communes de la République, sous ce titre : *Loi proposée.*

59. Quarante jours après l'envoi de la loi proposée, si dans la moitié des départemens, plus un, le dixième des assemblées primaires de chacun d'eux, régulièrement formées, n'a pas réclamé, le projet est accepté et devient loi.

60. S'il y a réclamation, le corps législatif convoque les assemblées primaires.

*De l'intitulé des Lois et des Décrets.*

61. Les lois, les décrets, les jugemens et tous les actes publics sont intitulés : *Au nom du Peuple Français, l'an . . . de la République Française.*

*Du Conseil Exécutif.*

62. Il y a un conseil exécutif composé de 24 membres.

63. L'assemblée électorale de chaque département nomme un candidat. Le corps législatif choisit sur la liste générale les membres du conseil.

64. Il est renouvelé par moitié à chaque législature, dans le dernier mois de la session.

65. Le conseil est chargé de la direction et de la surveillance de l'administration générale. Il ne peut agir qu'en exécution des lois, et des décrets du corps législatif.

66. Il nomme, hors de son sein, les agens en chef de l'administration générale de la République.

67. Le corps législatif détermine le nombre et les fonctions de ces agens.

68. Ces agens ne forment point un conseil. Ils sont

séparés, sans rapports immédiats entre eux ; il n'exercent aucune autorité personnelle.

69. Le conseil nomme, hors de son sein, les agens extérieurs de la République.

70. Il négocie les traités.

71. Les membres du conseil, en cas de prévarication, sont accusés par le corps législatif.

72. Le conseil est responsable de l'inexécution des lois et des décrets, et des abus qu'il ne dénonce pas.

73. Il révoque et remplace les agens à sa nomination.

74. Il est tenu de les dénoncer, s'il y a lieu, devant les autorités judiciaires.

#### *Des relations du Conseil Exécutif avec le Corps Législatif.*

75. Le conseil exécutif réside auprès du corps législatif. Il a l'entrée et une place séparée dans le lieu de ses séances.

76. Il est entendu toutes les fois qu'il a un compte à rendre.

77. Le corps législatif l'appelle dans son sein, en tout ou en partie, lorsqu'il le juge convenable.

#### *Des Corps Administratifs et Municipaux.*

78. Il y a dans chaque commune de la République une administration municipale ;

Dans chaque district, une administration intermédiaire ;

Dans chaque département, une administration centrale.

79. Les officiers municipaux sont élus par les assemblées de commune.

80. Les administrateurs sont nommés par les assemblées électorales de département et de district.

81. Les municipalités et les administrations sont renouvelées tous les ans par moitié.

82. Les administrateurs et officiers municipaux n'ont aucun caractère de représentation.

Ils ne peuvent, en aucun cas, modifier les actes du corps législatif, ni en suspendre l'exécution.

83. Le corps législatif détermine les fonctions des officiers municipaux et des administrateurs, les règles de leur subordination, et les peines qu'ils pourront encourir.

84. Les séances des municipalités et des administrations sont publiques.

*De la Justice Civile.*

85. Le code des lois civiles et criminelles est uniforme pour toute la République.

86. Il ne peut être porté aucune atteinte au droit qu'ont les Citoyens de faire prononcer sur leurs différends par des arbitres de leur choix.

87. La décision de ces arbitres est définitive, si les Citoyens ne se sont pas réservé le droit de réclamer.

88. Il y a des juges de paix élus par les Citoyens des arrondissemens déterminés par la loi.

89. Ils concilient et jugent sans frais.

90. Leur nombre et leur compétence sont réglés par le corps législatif.

91. Il y a des arbitres publics élus par les assemblées électorales.

92. Leur nombre et leurs arrondissemens sont fixés par le corps législatif.

93. Ils connaissent des contestations qui n'ont pas été terminées définitivement par les arbitres privés ou par les juges de paix.

94. Ils délibèrent en public.

Ils opinent à haute voix.

Ils statuent en dernier ressort, sur défenses verbales, ou sur simple mémoire, sans procédures et sans frais.

Ils motivent leurs décisions.

95. Les juges de paix et les arbitres publics sont élus tous les ans.

*De la Justice Criminelle.*

96. En matière criminelle, nul Citoyen ne peut être jugé que sur une accusation reçue par les jurés ou décrétée par le corps législatif.

Les accusés ont des conseils choisis par eux, ou nommés d'office.

L'instruction est publique.

Le fait et l'intention sont déclarés par un juré de jugement.

La peine est appliquée par un tribunal criminel.

97. Les juges criminels sont élus tous les ans par les assemblées électorales.

*Du Tribunal de Cassation.*

98. Il y a pour toute la République un tribunal de cassation.

99. Ce tribunal ne connaît point du fond des affaires.

Il prononce sur la violation des formes, et sur les conventions expresses à la loi.

100. Les membres de ce tribunal sont nommés tous les ans par les assemblées électorales.

*Des Contributions Publiques.*

101. Nul Citoyen n'est dispensé de l'honorable obligation de contribuer aux charges publiques.

*De la Trésorerie Nationale.*

102. La trésorerie nationale est le point central des recettes et dépenses de la République.

103. Elle est administrée par des agens comptables, nommés par le conseil exécutif.

104. Ces agens sont surveillés par des commissaires nommés par le corps législatif, pris hors de son sein, et responsables des abus qu'ils ne dénoncent pas.

*De la Comptabilité.*

105. Les comptes des agens de la trésorerie nationale et des administrateurs des deniers publics sont rendus annuellement à des commissaires responsables, nommés par le conseil exécutif.

106. Ces vérificateurs sont surveillés par des commissaires à la nomination du corps législatif, pris hors de son sein, et responsables des abus et des erreurs qu'ils ne dénoncent pas.

Le corps législatif arrête les comptes.

*Des Forces de la République.*

107. La force générale de la République est composée du Peuple entier.



108. La République entretient à sa solde, même en temps de paix, une force armée de terre et de mer.

109. Tous les Français sont soldats; ils sont tous exercés au maniement des armes.

110. Il n'y a point de généralissime.

111. La différence des grades, leurs marques distinctives et la subordination ne subsistent que relativement au service et pendant sa durée.

112. La force publique employée pour maintenir l'ordre et la paix dans l'intérieur, n'agit que sur la réquisition par écrit des autorités constituées.

113. La force publique employée contre les ennemis du dehors, agit sous les ordres du conseil exécutif.

114. Nul corps armé ne peut délibérer.

#### *Des Conventions Nationales.*

115. Si dans la moitié des départemens, plus un, le dixième des assemblées primaires de chacun d'eux, régulièrement formées, demandent la révision de l'acte constitutionnel, ou le changement de quelques-uns de ses articles, le corps législatif est tenu de convoquer toutes les assemblées primaires de la République, pour savoir s'il y a lieu à une convention nationale.

116. La convention nationale est formée de la même manière que les législatures, et en réunit les pouvoirs.

117. Elle ne s'occupe, relativement à la constitution, que des objets qui ont motivé sa convocation.

#### *Des Rapports de la République Française avec les Nations Etrangères.*

118. Le Peuple Français est l'ami et l'allié naturel des Peuples libres.

119. Il ne s'immisce point dans le gouvernement des autres Nations. Il ne souffre pas que les autres Nations s'immiscent dans le sien.

120. Il donne asile aux étrangers bannis de leur patrie pour la cause de la liberté.

Il le refuse aux tyrans.

121. Il ne fait point la paix avec un ennemi qui occupe son territoire.

*De la Garantie des Droits.*

122. La constitution garantit à tous les Français l'égalité, la liberté, la sûreté, la propriété, la dette publique, le libre exercice des cultes, une instruction commune, des secours publics, la liberté indéfinie de la presse, le droit de pétition, le droit de se réunir en sociétés populaires, la jouissance de tous les droits de l'homme.

123. La République Française honore la loyauté, le courage, la vieillesse, la piété filiale, le malheur. Elle remet le dépôt de sa constitution sous la garde de toutes les vertus.

124. La déclaration des droits et l'acte constitutionnel sont gravés sur des tables, au sein du corps législatif, et dans les places publiques.

(Signé)

COLLOT-D'HERBOIS, *Président*;  
DURAND-MAILLANE,  
DUCOS,  
MEAULLE,  
CH. DELACROIX,  
GOSSUIN,  
P. A. LALOY, *Secrétaires*.

# DECLARATION

OF THE

## RIGHTS OF MAN AND OF CITIZENS.

The French People, convinced that the forgetting of the natural rights of Man, and the contempt shown to these rights, are the only causes of the calamities in the world, have resolved to set forth in a solemn declaration these sacred and unalienable rights ; in order that, it being in the power of all Citizens to compare continually the acts of the government with the design (9) of every social institution, they may never suffer themselves to be oppressed and debased by tyranny ;—and in order that the People may always have before their eyes the foundations of their liberty and of their happiness ; the magistrate, the rule of his duties ; the legislator, the object of his mission.

Consequently, the French People proclaim, in the presence of the Supreme Being, the following declaration of the rights of Man and of Citizens.

ART. 1. The design (10) of Society is common happiness.

Government is instituted to secure to Man the enjoyment of his natural and imprescriptible rights.(11)

2. These rights are : equality, liberty, safety and property.

3. All men are equal by nature and in the sight of the law.

(9) *Le but* ; the aim.

(10) *Le but*.

(11) Imprescriptible rights, are rights which cannot be lost by the circumstance that he who has the right makes no use of it for ever so long a time ; rights which cannot pass to another by prescription, as it is termed. Man cannot in any way whatsoever lose his unalienable rights, nor part with them ; but oppressors can hinder him from enjoying what is and remains his right.

4. The law is the free and solemn expression of the general will ; and is the same for all, both in protecting, and in punishing ; it cannot command but that which is just and useful to Society ; it cannot forbid but that which is hurtful to the same.

5. All Citizens are equally admissible to public employments. Free People (12) acknowledge no other motives of preference in their elections, than virtues and talents.

6. Liberty is that power which belongs to Man, of doing every thing that does not hurt the rights of another : its principle is nature ; its rule justice ; its protection the law : its moral limits are defined by this sentence : *Do not to another what thou wouldst not wish done to thyself.*

7. The right of manifesting one's thoughts and opinions, either by the press, or in any other manner,—the right of assembling peaceably,—and the free exercise of the different manners of worship,—cannot be forbidden.

The necessity of declaring these rights, supposes either the presence, or the recent remembrance, of despotism.

[8. Whatever is not forbidden by the law cannot be prevented ; no one can be forced to do that which it does not command.] (13)

8. Safety consists in the protection granted by Society to each of its members, for the preservation of his person, his rights, and his property.

9. The law ought to protect the liberty of the public, and of each individual, against the oppression of those who govern.

10. No person can be accused, arrested, nor detained, but in cases determined by the law, and according to the forms which it prescribes. Every Citizen summoned or arrested under the authority of the law, ought immediately to obey ; he renders himself culpable by resistance.

11. Every act exercised against a man not within the

(12) The word *People* occurs here in the plural number, and has a sense somewhat similar to that of the word *Nations*.

(13) As this article is in more than one translation which I have seen, it appears doubtful to me whether it has been omitted in the *Moniteur* or rejected at the final revision of the constitution.

cases determined by the law, or without the forms prescribed by the same, is arbitrary and tyrannical; [respect for the law forbids him to submit to such an act;] (14) the person against whom it should be attempted to be executed by violence, has a right to repel it by force.

12. Those who solicit, dispatch, sign, execute, or cause to be executed, arbitrary acts, are guilty, and ought to be punished.

13. Every man being supposed innocent until he has been declared guilty, if it is judged indispensable to arrest him, all rigor, not necessary to secure his person, ought to be severely repressed by the law.

14. No one ought to be judged nor punished, but after having been heard, or legally summoned, nor unless he comes under a law made public before the perpetration of the crime; a law which should punish offences committed before it existed would be tyrannical; the retroactive effect given to a law would be a crime.

15. The law ought not to decree any punishments but such as are strictly and evidently necessary: the punishments ought to be proportioned to the crimes, and useful to Society.

16. The right of property is that right which belongs to every Citizen of enjoying according to his pleasure, his goods, his revenues, the fruits of his labour and industry,—and of disposing according to his pleasure of the same.

17. No kind of labour, culture, or commerce, can be forbidden to the industrious Citizen.(15)

18. Every man may engage his services, and his time; but he can neither sell himself nor be sold. His person is not alienable property. The law acknowledges no servitude; (16) there can exist only an engagement to perform and to reward, between the man who works and the man who employs him.

19. No one can be deprived of the least portion of his property, without his consent, except when the public ne-

(14) Perhaps these words have been omitted in the *Moniteur*.

(15) *A l'industrie des Citoyens*; to the industry of the Citizens.

(16) *Domesticité*.

necessity, legally ascertained, requires it, and on condition of a just and previous indemnification.

20. No contribution can be enacted but for general utility. (17) All Citizens have a right to have a share in fixing the contributions, to watch over the use made of them, and to require an account of their expenditure.

21. Public succours are a sacred debt. The Society owes subsistence to the Citizens that are unfortunate, both by furnishing them with work, and by securing the means of existence to those who are unable to work.

22. Instruction is the want of all. The Society ought to favour, with all its power, the progress of public reason, and to place the means of instruction within the reach of every Citizen.

23. The social guarantee consists in the action (18) of all, to secure to each the enjoyment and preservation of his rights; this guarantee rests on the national sovereignty.

24. The social guarantee cannot exist if the limits of the public functions are not clearly defined by the law, and if the responsibility of all public functionaries is not well secured.

25. The sovereignty resides in the People. It is one and indivisible, imprescriptible and unalienable.

26. No portion of the People can exercise the power of the whole People; but each section of the Sovereign assembled ought to enjoy the right of expressing its will with entire liberty.

27. If any individual usurps the sovereignty, let him be immediately put to death by freemen. (19)

28. A People have always the right of revising, of re-

(17) *Perhaps* here follow the words, "and to relieve the public wants," which is not to be found in the *Moniteur*.

(18) The deed, the act.

(19) In one translation we read as follows: "Every individual who arrogates to himself the sovereignty, or who usurps the exercise of it, ought to be put to death by freemen." This may be the true reading; however, I am inclined to guess the true reading is thus: "If any individual usurps the sovereignty, he ought immediately to be put to death by freemen."

forming, and of changing their constitution. One generation cannot subject to its laws future generations.

29. Every Citizen has an equal right to have a share in making the law and in appointing his mandataries(20) and agents.

30. Public functions are essentially temporary; they cannot be considered as distinctions nor as rewards, but as duties.

31. Crimes committed by the mandataries and the agents of the People ought never to remain unpunished. No one has a right to pretend to be more inviolable than other Citizens.

32. The right of presenting petitions to the depositaries of public authority [belongs to every individual. The exercise of this right] (21) can in no case be prohibited, suspended, or limited.

33. Resistance to oppression is the consequence of the other rights of Man.

34. Oppression is exercised against the Social Body, when even only one of its members is oppressed. Oppression is exercised against each member, when the Social Body is oppressed.

35. When the government violates the rights of the People, insurrection is, to the People and to every portion of the People, the most sacred of rights (22) and the most indispensable of duties.

(20) His deputies.

(21) I think that these words have been omitted in the *Moniteur*.

(22) The words, "of rights" do not occur in two translations of this Declaration.

THE ACT  
OF THE  
CONSTITUTION.(23)

*Of the Republic.*

ART. 1. The French Republic is one and indivisible.

*Of the distribution of the People.*

2. The French People are distributed, for the exercise of their sovereignty, into primary assemblies of cantons.

3. They are distributed, for the administration and for the jurisdiction, into departments, districts, municipalities.

*Of the state of the Citizens.*

4. Every man born and settled (24) in France, and full 21 years of age ;

Every foreigner full 21 years of age, who, settled in France for one year,

Lives there upon his labour ;

Or acquires a property ;

Or marries a French woman ;

Or adopts a child ;

Or maintains an infirm person ;

Every foreigner in fine, who shall be judged by the legislative body to have deserved well in the cause of humanity,

Is admitted to the exercise of the rights of a French Citizen.

5. The exercise of the rights of a Citizen is forfeited,

By naturalization in a foreign country ;

By the acceptance of employments or favours from a government which is not democratical ;

By the condemnation to ignominious or corporal punishment, until rehabilitation.

(23) *Acte constitutionnel.*

(24) *Domicilié ;* having domicile.



- 6. The exercise of the rights of a Citizen is suspended,  
By being under accusation ;  
By a sentence of non-appearance, so long as the sentence is not annihilated.(25)

*Of the Sovereignty of the People.*

- 7. The sovereign People is the whole mass (26) of French Citizens.
- 8. They appoint immediately their deputies.
- 9. They delegate to electors the choice of administrators, of public arbitrators, of criminal judges and those of the tribunal of annulment.\*
- 10. They deliberate upon the laws.(27)

*Of Primary Assemblies.*

- 11. The primary assemblies consist of the Citizens who have domicile since six months within the canton.
- 12. They are composed of 200 Citizens at least, and of 600 at most, called to vote.
- 13. They are constituted by the nomination of a president, secretaries, and inspectors of ballots.
- 14. They regulate their internal *police*.
- 15. No one is permitted to appear at them armed.
- 16. The elections are either by ballot, or by voting aloud, at the option of each voter.
- 17. A primary assembly can in no case prescribe an uniform mode of voting.
- 18. The inspectors of ballots record the votes of those Citizens who, unable to write, choose however to vote by ballot.
- 19. The suffrages on laws(28) are given by *yeas* and *nays*.

(25) *Perhaps the Moniteur has omitted here the following words : "By insanity and by prodigality legally proved." Perhaps only the words : "By insanity," are omitted ; the latter I find in one translation.*

(26) *The universality.*

(27) *The words rendered in these articles by they &c. are in the original in the singular number ; the word, "they" [il] denotes the sovereign People.*

(28) *See art. 34, 59 and 60.*

20. The vote of the primary assembly is proclaimed thus : The Citizens united in primary assembly at . . . . . in number . . . . . voters, vote for (or, vote against) by a majority of . . . . .

*Of the National Representation.*

21. The population is the only foundation of the national representation.

22. There is one deputy in proportion to every 40 thousand individuals.

23. Each collection of primary assemblies, resulting from a population of 39,000 to 41,000 souls, appoint immediately one deputy.

24. The election requires an absolute majority of suffrages.

25. Each assembly counts its own votes, and sends a commissioner for the general collection of results, to the place fixed as most central.

26. If at the first collection of results not any one has an absolute majority, a second convocation for election takes place,(29) and the votes are confined to the two Citizens highest in votes.

27. In case of equal votes, the eldest is preferred, either to be one of the said two, or to be elected. In case of equal age the casting of lots decides.

28. Every Frenchman, exercising the rights of a Citizen, is eligible throughout the whole Republic.

29. Each deputy belongs to the whole Nation.

30. In case of refusal to accept,(30) resigning, forfeiture of his place, or death of a deputy, the primary assemblies who had appointed him appoint his successor.

31. A deputy who has resigned cannot quit his post before his successor is admitted as a deputy.

(29) *Il est procédé à un second appel ;* a second convocation takes place ; that is, the primary assemblies are called together anew.

(30) *Non-acceptation.*—When in more than one part of the Republic the same Citizen should have been appointed deputy, I think that the casting of lots would have determined which primary assemblies should appoint another deputy.

32. The French People assemble every year, on the first day of May, to proceed to their elections.

33. They then act in their primary assemblies, whatever be the number present of the Citizens who have a right to vote in them.

34. A primary assembly shall be extraordinarily convoked, upon the requisition of one fifth of the Citizens having a right to vote in the same.

35. Whenever this case occurs, the convocation is made by the municipality (31) of the place where such a primary assembly commonly meet.

36. Such an extraordinary assembly cannot deliberate when less than half the number, and one more, of the Citizens having a right to vote in the same, be present.

#### *Of Electoral Assemblies.*

37. The Citizens united in primary assemblies, appoint one elector in proportion to 200 Citizens, counting present and absent; two from 201 to 400; three from 401 to 600.

38. The holding of electoral assemblies, and the mode of electing, is the same as of the primary assemblies.

#### *Of the Legislative Body.(32)*

39. The legislative body is one, indivisible, and permanent.

40. The session is of one year.

41. The time of meeting is on the first day of July.

42. The national assembly cannot constitute itself unless it be composed, at least, of half the number, and one more, of the deputies.

43. The deputies can at no time, be called to an account, accused, or judged, for opinions expressed by them as deputies within the hall where the legislative body was holding its sitting.

(31) The municipal administration. See the 78th and following articles.

(32) This is the literal translation; yet this title, "The legislative body," appears to me an improper, or at best an equivocal one; this assembly surely had not to give laws, but to propose projects of laws to the Sovereign.

44. They may, for criminal actions, be taken in the fact ; but the warrant to arrest, and the summons to appear, can only be issued against them with the sanction of the legislative body.

*Of the Sitzings of the Legislative Body.*

45. The sittings of the national assembly are public.

46. Its journals shall be printed.

47. It cannot deliberate unless it be composed of, at least, two hundred members.

48. It cannot refuse any member the right of speaking, in the order in which he has demanded it.

49. It shall decide by the voice of the majority of those present.

50. Fifty members have the right of calling for the yeas and nays.

51. The national assembly has the right of censuring the conduct of its members within the hall where it is holding its sitting.

52. The national assembly shall exercise the *police* within the hall in which it holds its sittings, and within such an extent encompassing the same as shall have been fixed by the said assembly.

*Of the functions of the Legislative Body.*

53. The legislative body proposes laws, and makes (33) decrees.

54. Under the general name of LAWS are comprised, the acts of the legislative body that relate to :

The civil and the criminal legislation ;

The general administration of the revenues and of the ordinary expenditures of the Republic ;

The national domains ; (34)

The standard, the weight, the impression, and the denomination of the different kinds of money ;

(33) *Rend* ; gives, emits.

(34) The public lands and other possessions of the Nation.

The nature, and the amount of the taxes,(35) and the manner of their collection ;

The declaration of war ;

Any new general distribution of the French territory ;

Public instruction ;

Public honours to the memory of great men.

55. Under the particular name of DECREES are denoted, the acts of the legislative body that relate to :

The yearly establishment of the land force and the naval force of the Republic ;

The permission or refusal of the passage of foreign troops through the French territory ;

The admittance of foreign naval forces into the ports of the Republic ;

Measures for the general safety and tranquillity ;

The yearly and the temporary distribution of public succour and work ;(36)

Orders for the coining of money of all kinds ;

Unexpected and extraordinary expenditures ;

Measures which are local, or confined to one particular administration, *commune*,(37) or particular kind of public works ;

The defence of the territory ;

The ratification of treaties ;

The nomination, and the deposition, of the commanders in chief of the armies ;

The prosecution of the members of the council, and public functionaries as being responsible ;(38)

(35) *Contributions.*

(36) See the Declaration of the rights, article 21.

(37) *Administration*, see article 78.—The word "*commune*" denotes any city, town, village, &c.

(38) *La poursuite de la responsabilité des membres*, &c. The meaning, it appears to me, is this: Under the particular name of DECREES are denoted, the acts of the legislative body that relate to, and fix and prescribe the *mode* of, the prosecution of the members of the council and public functionaries; the manner of enforcing their responsibility.

This power of the legislative body was limited by the rights of Man, and by this constitution ; see art. 71, 74, and 96.

The accusation of those charged with plots(39) against the general safety of the Republic ;

Every change in the partial distribution of the French territory ;

National rewards.

*Of the formation of the Laws.*

56. All draughts of laws are preceded by a report.

57. The discussion cannot be opened, and the law cannot be provisionally enacted, until fifteen days after the report.

58. The draught, as provisionally enacted, is printed and sent to every commune of the Republic, under this title : PROPOSED LAW.

59. Forty days after the proposed law is sent,—if in half the number of the departments, and one more, the tenth part of the primary assemblies of each of those departments, regularly formed, has not opposed,(40) the draught is accepted and becomes A LAW.

60. In case there be such opposition, the legislative body convenes the primary assemblies.

*Of the title of Laws and Decrees.*

61. All laws, decrees, judgments, and other public acts, bear this title : *In the name of the French People, the . . . year of the French Republic.*

*Of the Executive Council.*

62. There is an executive council composed of 24 members.

(39) *Prévenus de complots* ; men accused of plotting ; men against whom information is given.

(40) *Réclamé* ; claimed ; to wit the convocation of all the primary assemblies. In art. 60, the word translated, "such opposition," is only, "*réclamation* ;" a claim, a demand ; when the number required by art. 59 oppose, that lawful claim is acknowledged to exist.—The primary assemblies mentioned art. 59, I think were to be formed according to art. 34, 35, and 36.

63. The electoral assembly of each department nominates one candidate.(41) The legislative body chooses from the general list the members of the council.

64. One half of the council is renewed in the last month of the session of each legislature.(42)

65. The council is charged with the direction and superintendence of the general administration of the Republic. It cannot act but in execution of the laws, and decrees of the legislative body.

66. It appoints, from without its own body, the chief agents of the general administration of the Republic.

67. The legislative body prescribes the number and the functions of these agents.

68. These agents do not form a council. They are separate, without any immediate connexion between them; they cannot exercise any personal authority.

69. The council appoints, from without its own body, the agents of the Republic abroad.

70. It negotiates treaties.

71. The members of the council shall, in case of treason or fraud,(43) be accused by the legislative body.

72. The council is responsible for any failure in the execution of the laws and decrees, and for all those corrupt practices which it does not denounce.

73. It has the right to depose any agents appointed by it, and to appoint others in their stead.

74. It is bound to denounce them before the judicial authorities, whenever there be cause.

#### *Of the relation of the Executive Council to the Legislative Body.*

75. The executive council resides near the legislative body, and has free access to its sittings, and a separate place in the hall.

76. The council shall be heard as often as it shall have any report to make.

(41) There were then 86 departments.

(42) Every year in June.

(43) *En cas de prévarication* ; in case of prevarication, collusion, betraying one's trust, misdemeanour in office.

77. The legislative body may call for the presence of the executive council at its sittings, either in the whole or in part, whenever it shall judge proper.

*Of the Administrative and Municipal Bodies.*

78. There is in every commune of the Republic a municipal administration ;

In every district, an intermediate administration ;

In every department, a central administration.

79. The municipal officers are chosen by the communal meetings.

80. The administrators are nominated by the electoral assemblies of department and of district.

81. Every municipality and administration is renewed by one half, every year.

82. The administrators and municipal officers are in no sense representatives.

They can in no case whatsoever modify the acts of the legislative body, nor suspend the execution of them.

83. The legislative body prescribes the functions of the municipal officers and the administrators, the rules of their subordination, and the penalties which they may incur.

84. The sittings of the municipalities and of the administrations are public.

*Of Civil Justice.*

85. The code of civil and criminal law is uniform throughout the Republic.

86. The right which the Citizens have of terminating their disputes by arbitrators chosen by themselves, cannot be infringed.

87. The decision of these arbitrators shall be definitive, unless the parties have reserved the right of appeal.

88. There are justices of the peace, elected immediately by the Citizens of the circles, (44) the limits of which are fixed by law.

(44) *Arrondissemens* ; a peculiar kind of small districts.



89. They accommodate differences and administer justice without cost.

90. The legislative body regulates their number and the extent of their power.(45)

91. There are public arbitrators, chosen by electoral assemblies.

92. The legislative body fixes their number and the limits of the circles in which they exercise their authority.

93. They take cognizance of disputes which have not been definitively terminated by private arbitrators, nor by justices of the peace.

94. They deliberate in public.

They give their votes openly.

They give a final judgment,(46) either upon verbal defence, or upon a simple memorial, without pleading, and without cost.

They state the reasons of their decisions.

95. The justices of the peace and the public arbitrators are elected every year.

#### *Of Criminal Justice.*

96. In Criminal matters no Citizen can be tried but upon an accusation approved by a jury, or decreed by the legislative body.

The accused persons have counsel chosen by themselves, or appointed by the tribunal.(47)

The trial is public.

Both the fact and the intention are declared by a jury of judgment.(48)

The penalty is applied by a criminal tribunal.

(45) *Leur compétence* ; their competency ;—which cases belong to them.

(46) *Ils statuent en dernier ressort* ; they fix ultimately without further appeal.

(47) *Ou nommes d'office*. To wit, when the person accused cannot obtain counsel by himself, on account of his being unable to pay lawyers fees, or otherwise,—the tribunal appoints counsel to defend him.

(48) A jury distinct from that which approves or disallows the accusation.

97. The criminal judges are elected every year by the electoral assemblies.

*Of the Tribunal of Annulment.*

98. There is one tribunal of annulment for the whole Republic.

99. This tribunal takes no cognizance of the merits of a cause.

It pronounces only upon violations of the rules respecting judiciary proceedings, (49) and upon the evident deviations from the law.

100. The members of this tribunal are nominated every year by the electoral assemblies.

*Of Public Contribution.*

101. No Citizen is exempted from the honourable obligation of contributing to support the burden of the public expenditure.

*Of the National Treasury.*

102. The national treasury is the central point of the receipts and expenditures of the Republic.

103. Accountable agents, appointed by the executive council, exercise the administration of it.

104. Commissioners appointed by the legislative body, not taken from among its members, and who are responsible for such corrupt practices as they do not denounce, watch these agents.

*Of Responsibility.*

105. The accounts of the agents of the national treasury, and of the other administrators of public money, are yearly rendered to responsible commissioners, appointed by the executive council.

106. Commissioners appointed by the legislative body, not taken from among its members, and who are responsi-

(49) *Sur la violation des formes.*

ble for such corrupt practices and such errors as they do not denounce, watch these examiners.

The legislative body settles the accounts.

*Of the Forces of the Republic.*

107. The general force of the Republic consists of the whole People.

108. The Republic has under pay, even in time of peace, an armed land force and naval force.

109. All Frenchmen are soldiers; they are all exercised in the management of arms.

110. There is no generalissimo.(50)

111. The difference of ranks,(51) their distinguishing marks, and subordination, only exist in relation to, and during, actual service.

112. The public force employed to maintain order and internal peace, only act upon a demand,(52) in writing, of the constituted authorities.

113. The public force, employed against external enemies, act under the directions of the executive council.

114. No armed body deliberate.

*Of National Conventions.*

115. Whenever in half the number of the departments, and one more, the tenth part of the primary assemblies of each of those departments, regularly formed, demand the revision of the act of the constitution, or an alteration of any of its articles, the legislative body is bound to convene all the primary assemblies of the Republic, to determine whether there shall be a national convention.

116. The national convention is formed in the same manner as the legislatures, and possesses all the power the legislative body is invested with.(53)

(50) There is no supreme commander of all the forces in actual service; there are only commanders of the distinct armies.

(51) *Grades*; degrees of military dignity.

(52) *Réquisition*; a call.

(53) The convention comes in the stead of the legislative body.

When such a convention had framed a plan of the alterations of the constitution, the fundamental law, the sovereign People were certain-

117. As far as relates to the constitution, the convention confine their deliberations to the matters which caused their convocation.

*Of the relation between the French Republic and foreign Nations.*

118. The French People are the friends and natural allies of all free People.<sup>(54)</sup>

119. They do not meddle with the government of other Nations. They do not suffer other Nations to meddle with theirs.

120. They grant an asylum to foreigners banished from their own country for their love to the cause of liberty.

They refuse an asylum to tyrants.

121. They do not make peace with an enemy that occupies their territory.

*Of the guarantee of Rights.*

122. The constitution guaranties to every Frenchman, equality, liberty, safety, property, the public debt, the free exercise of the different manners of worship, a common instruction,<sup>(55)</sup> public succours, the unlimited liberty of the press, the right of petitioning, the right of assembling in popular societies, the enjoyment of all the rights of Man.

123. The French Republic honours patriotism, courage, old age, filial affection, distress.—The Republic reposes that sacred deposit the constitution under the safeguard of all the virtues.

ly to be convened to accept or reject the same; as was the case with this act of the constitution, upon which it is stated there were, yeas 1,801,918, and nays 11,610. At least it is plain that no convention nor legislature could do more but *propose laws*.

(54) *Peuples*; People in the plural number; the sense is somewhat similar to that of the word Nations. The words, "The French People are" &c. and the pronoun translated "they," in the following articles, are in the original, as always, in the singular number.

(55) See Declaration of rights, art. 22.

124. The declaration of rights and the act of the constitution are engraved on tables and exhibited, within the hall of the legislative body, and on the public squares.

(Signed)

COLLOT-D'HERBOIS, *President* ;  
DURAND-MAILLANE,  
DUCOS,  
MEAULLE,  
CH. DELACROIX,  
GOSSUIN,  
P. A. LALOY, *Secretaries.*

EXTRACTS FROM THE  
ACCOUNTS GIVEN IN THE MONITEUR,  
OF THE  
DEBATES  
ON SEVERAL ARTICLES OF THE  
ACT OF THE CONSTITUTION.

---

*Extract from the report on the Constitution of the French People, made to the convention, in the name of the committee of public welfare, by Herault-Séchelles, in the sitting of the 10th of June, 1793.*

..... The most affecting unanimity has constantly accompanied our labours. Each of us was actuated by the same desire, that of attaining to the most democratical result. .... A secret sentiment tells us that our work is perhaps one of the most popular that ever yet existed. If sometimes we have found ourselves constrained to give up a theoretical strictness, it has been on account of adherence being not more possible. The nature of things, obstacles in the execution which could not be overcome, and the true interest of the People, commanded us to make this sacrifice ; for it is not sufficient to be serving the People ; we never should deceive them.

.....  
We think we have established anew a great truth with respect to the national representation ; a truth well known no doubt, but which will probably henceforth remain no longer without effect. It is this, that the French constitution should not be exclusively called a *representative* constitution, because it is not less *democratic* than representative. In fact, a law and a decree are not the same thing, as may be easily shown ; hence the deputy shall bear a double character. Mandatary in respect to the laws which he has to propose to the People for sanction, he will only be representative in relation to the decrees : whence it evi-

F

dently results that the French government is only representative in relation to all those things which the People cannot do by themselves.

Perhaps it will be asked us: Why should the People be consulted about every law? is it not sufficient to submit to the People the laws which fix a constitution, and to wait with respect to other laws till the People show opposition? (56) We would answer: It is offending to the People to point out in particulars the various acts of sovereignty which they shall perform. We would further answer: Such forms and conditions being attached to the making of what is properly called a *law*, it cannot be expected that the mandataries will draw up any considerable number of laws in a year's time. By little and little they will recover from that rage for making laws, by which legislation is ruined instead of being improved by it; and at any rate it is better to wait, and even to dispense with a good law, than to be exposed to the danger that bad laws may be multiplied.

.....

Those that execute the will of the People do not represent the People. The executive council therefore is in no manner representative: if that council were elected by the general will, its authority would become dangerous, whilst the same could be considered as being representative, by one of those mistakes which so easily occur in political affairs.

.....

*Extract from the debate on article 16, as originally proposed.*

.....

*Danton.* The question is not elucidated. We all agree about a principle which is admitted, in the Declaration of the rights of man, to be sacred; this principle demands that every one have the power to declare his opinion with full liberty, and this principle should above all be acknow-

(56) *Et d'attendre ses réclamations sur les autres.*

ledged when the People exercise their sovereignty. You therefore cannot forbid a Citizen who cannot write, that he should vote aloud.

I do not demand that any man should be obliged to vote after such a mode or after such another mode ; I demand that every one be at liberty to vote in that form which he chooses ; I only would observe that light and publicity is the natural food of liberty. I ask then that the rich be at liberty to write, and that the poor be at liberty to speak.

.....

*Barrere.* I observe that secret ballotings would afford weak and corrupt persons the faculty of throwing too often bad votes into the urn, and that, besides this, the right which good Citizens have to act a courageous part is incontestable. I ask that the mode of voting be left at the option of each voter.

*Extract from the debate on article 20, as originally proposed.*

“ The vote of the primary assembly is proclaimed thus : the assembly accepts, the assembly rejects.”

*Ramel.* I ask that the number of the votes be expressed.

*Bazire.* I support this proposal ; for if the number of those who vote for, and of those who vote against, be not recorded in the account of the proceedings of every primary assembly, the result must be, that, in collecting the suffrages of the Nation, only the number of assemblies, that have voted for, and that have voted against, will be ascertained, instead of the number of individuals which have so voted : and this system is contrary to all good principles ; for the result would be, first, that the Nation would be divided into deliberating corporations, instead of being divided into voting Citizens ; and at every question put, there would be a division between intriguing parties and between the Republic, whilst on the contrary in those cases a difference of opinions between individuals which are in submission to the general law, should be perceived at most ; and secondly, the result of not declaring the number of voters, but of counting only the assemblies, would be that a minority could prescribe laws to a majority, and



that 400 individuals composing two primary assemblies, would have more influence than 600 Citizens being united into one assembly.(57)

*Thuriot.* Bazire has most clearly demonstrated that to count only the votes of the assemblies is contrary to the unity of the Republic. I ask that the article be amended.

*Herault.* It should be : The assembly accepts by a majority of such a number of votes against such a number.

*Saint-André.* I ask that those who shall not be present at the primary assemblies be considered as accepting the law.

*Real.* It appears to be more just not to count the voice of such persons at all, neither as having voted for nor as having voted against. I ask that only the number of those present be recorded. A penalty may yet be enacted by law against those who shall neglect their duty as Citizens without legitimate cause.

*N\*\*\** I combat the proposal of Saint-André, by an application which demonstrates most evidently that the same is inadmissible : I suppose the case that 600 Citizens are settled within the circle of one primary assembly, and that only 200 attend the sitting ; well these cannot possibly outweigh a number of voices twice so great. Though they declare their votes, though they vote unanimously against an unjust law, it is to no purpose ; their being called to vote is a delusive thing, a mere sham ; as well might

(57) The minority might outvote the majority in the proportion of 1 against 6. Suppose that in 4 primary assemblies, each composed of 200 Citizens, on an average 114 be present, and decide in the affirmative by 64 votes against 50 ; this amounts to 256 Citizens voting for, and 200 voting against : and that in 3 other assemblies, composed of 600 Citizens each, on an average 548 be present, and decide in the negative by 533 votes against 15 ; this amounts to 1599 nays, and 45 yeas ; add to these 1599 nays the above mentioned 200, and the produce is 1799, say 1800 ; whilst 256 and 45 yeas amounts to 301, say 300, yeas. But notwithstanding this great disparity, the result, when counting only by assemblies, would be *acceptance*, by 4 assemblies against 3. Though it be unlikely that the votes should stand in the above supposed proportion throughout the Republic, yet it is plain that such a manner of counting is utterly inadmissible, and that the will of the majority of the People could not be ascertained by the same.

the right of voting be taken altogether from them as a reward of their zeal. The acceptance of each and every law would be the result of the carelessness of the Citizens.

The assembly takes no notice of the proposal of Saint-André.(58)

*Ducos.* Before you deliberate upon the article, I wish you to observe that the expressions of accepting and of rejecting a law, which this article would authorise a primary assembly to make use of, are absolutely contrary to the unity of the Republic; after that manner small confederate Republics would deliberate. We ought not to say that 700 or 800 Citizens accept a law, but that they vote in favour of the acceptance of that law by the Nation. The Sovereign only accepts the law; and the Sovereign is the Citizens collectively. When a deliberation takes place head for head, every Citizen delivers only an opinion, a vote; the majority only, from the moment that their suffrages are known, has a will. I therefore demand that the expression of voting for the acceptance, be substituted for that of accepting.

Thuriot supports this amendment, and the assembly unanimously assent to it.

*Extract from the debate on the question whether the members of the executive council, and certain other bodies, shall be appointed immediately by the People, or by delegated electors.*

Herault, the reporter, calls for a decision on the question still left undecided, whether the executive council, and the

(58) This very same absurd manner of computation was one of the tricks of which, some years later, the usurping French government then existing, made use, in their sham consultations of the will of the French People, about Buonaparte's consulship for life, &c. The large number of persons who were absent from their abode, those languishing in the numerous prisons, all confined by indisposition, the sick, the dying, those who had died since the census, those thousands and thousands who disdained to regard the delusive invitation of an unlawful government, and of whom some openly protested against this manner of computation which took away the possibility of ejecting the proposal by a majority,—all these were included in the number by which the question was proclaimed to be decided in the affirmative!!

administrative and the judiciary bodies, shall be elected directly by the People or by electoral bodies.

*Guyomard.* I oppose the institution of electoral bodies ; this was the worst institution in the ancient constitution. If you wish above all things to avoid confederations, you should let the People exercise all the rights which belong to them, and it appears to me that they may very easily exercise their rights in this case ; a large number of primary assemblies is to unite for the election of one representative of the People, well, let a smaller number unite for the elections of the members of the administrative bodies and the judges, and do not institute these large bodies of delegated electors, which bodies, being able to form a league, would endanger the Republic.

.....  
*Chabot.* There is a great principle which never should be lost sight of in a democratical constitution, it is this : That the People ought to do themselves all that which it is possible for them to do. Therefore if the People themselves can elect the members of the administrative bodies, then they themselves ought to elect them. Do call to mind what was the system of Necker ; he pretended to make the election of the Nation more pure, by causing that election to be performed by means of delegated electors, and hardly 30 or 40 members of the constituting assembly are found, even of the chamber of commons, who have continued faithful to the rights of the People. With respect to the legislative assembly nearly the same case existed ; corruption has slidden into the convention itself, and I charge the method of having the deputies nominated by bodies of delegated electors with being the cause of this.

.....  
*Thuriot.* ..... but there is a principle to which Chabot has not given an answer, it is this : that it is of importance for the Republic that the national representation<sup>(59)</sup> be not fettered by any thing, and that no authority be raised

(59) As to the impropriety of the common expressions, "national representation" and, "representatives" I invite the reader to compare the 65th note, and the page to which that note belongs.

up which may say to the legislative body: "By which right do you think yourselves superior to us? Have not we also been elected immediately by the People?" Of this be aware, that this very idea has a tendency to justify the conspiracy which is unfolding at present.

Moreover it would be necessary, that execution of the project which it is attempted to substitute to that of the committee, should be found a possible thing; but out of the central points for the Citizens to assemble at, not so much as forty will be found which do not require considerable travelling, and this being the case you will weary the People; the poor Citizen will not go up to the assemblies, intriguers only will predominate there, and none but the rich who can bear the expenses will have the enjoyment of the right of election. But I, who only desire the happiness of my Country, who do not wish the People to lose the enjoyment of their rights, I support the institution of electoral bodies.

*Robespierre.* In supporting the observations of the speaker who has preceded me, I entreat you to observe how essential it is to the conservation of liberty that a dangerous rivalry should not be excited between the executive council and the legislative body, which would not fail to happen, when the members of that council were nominated immediately by the People, like those of the legislative body; for the council holding its power from the same source might believe itself equal in authority with the legislative body, and would still increase its ascendancy by all that force which naturally the council is entrusted with as executive.

The assembly closes the discussion, and adopts the principle, that there shall be delegated electors.(60)

(60) By article 62, 63, and 64, of the constitution; by article 79, 80, and 81; by article 91, 97, and 100; the reader may see how these different elections were at last appointed to take place.

Whatever may be said in favour of such elections by means of bodies of delegated electors, it appears to me, that the People have in that way no security that the choice of those electors will fall upon men whom the majority of the People really approve of; that a way for bribery and plotting is opened; and that no fair popular election does take place.

*Extract from the debate on article 43; which article was drawn up in the following words: The deputies representatives of the People(61) can at no time, be called to an account, accused, or judged, for opinions expressed by them as deputies within the hall where the legislative body was holding its sitting.*

**Rulh.** I ask, as an amendment, that there be added to the article the words: Unless his opinions tend to the re-establishment of kingship.

**N\* \* \*** I ask that there be added: Or to the destruction of the unity and indivisibleness of the Republic.

**Rafron.** I oppose this article, it is a warrant of exemption from punishment for every bad Citizen that betrays the interests of the Nation. A representative of the People ought by no means to be above the supreme law; the well-being of the People. Is it not a shame that those who have proposed martial law, and those who have asked for departmental force, be free from punishment? I ask that the deputies representatives of the People, which, having advanced in the assembly, either by writing or otherwise, unpatriotic sentiments, shall not retract the same, but shall on the contrary maintain them,—I ask that such be denounced by the national assembly itself to the national jury, which shall declare that they have lost the public confidence.

**Bazire.** There is a most important consideration, which the speaker who has preceded me has not offered; to wit: it is very possible that a member may propose to annihilate the Republic, and that the corrupted majority of an assembly do adopt the proposal and do nominate a tyrant. [*several voices.* The People exists.] I know it; but should we without necessity place the People in a state of insurrection? I ask that the constitution do bring with it its own support, and that the establishment of a national jury be decreed before which shall be brought those who shall speak against the established Republic.

(61) The words, "representatives of the People" it appears were expunged at the final correction.

**Robespierre.** It is impossible that we should not acknowledge the patriotic motives which actuate the worthy old man who has preceded me in this *tribune*; there is certainly no Citizen to whom it causes no grief to think, that a part of the representatives of the People should have the opportunity to violate the rights of the People with impunity, and to conspire in the *tribune* by an insidious eloquence without being liable to any penalty. It would be desirable that such a crime were punished, and that no warrant of exemption from punishment were found in the character of a representative of which such a man would have rendered himself unworthy, nor in the liberty of opinions which he would have misused; but the difficulty is found in the means to be employed to punish him, and on that account we find cause to vindicate the doctrine of the committee. By whom will you cause the accused representative of the People to be judged. By a constituted authority. But here you must at once perceive that it is possible that the tribunal be as corrupt as the man who should be brought before it; and moreover, is it not probable that the faithful representative be brought before that tribunal, by factious persons and intriguers, rather than the wicked deputy by the will of the virtuous representatives?

Therefore, to cause a representative of the People to be judged by a constituted authority, cannot be done without destroying, not only, I say, the liberty of opinions, but even the liberty of the People itself. To the People itself only therefore an appeal might be made. I have reflected upon this matter, and I have found it to be surrounded with difficulties. I have had an idea that possibly the object might be accomplished in this way: that the mandataries of the People should be bound to give an account of their conduct to the People at the end of the session of each legislature, and that the people should pronounce, not by inflicting penalties, but upon their character, and declare: 'This man has fulfilled my intentions; that other has deceived my hopes. But I have found this plan to be subject to a great number of difficulties. I have perceived that though in some places the people gave their just opinion, in others on the contrary intriguers bore the sway and suppressed

the truth. This has hindered me from offering to you a project concerning this matter; nevertheless, as I feel the necessity of opposing a strong barrier to corruption, I propose that you adopt the article of the committee, but that in the mean time you refer to that committee the ideas which I have exhibited, for the purpose that they present to you their views upon this matter.

*Thuriot.* I oppose any amendment respecting this article, and even any reference which would imply some modification. Citizens, there is one momentous truth which Robespierre has not sufficiently felt: to wit, that it is of importance to the Republic that the opinions of its representatives be altogether free, and that they have the opportunity of exhibiting in the *tribune* the measure of their patriotism; and in case you hinder them by severe laws from unfolding their whole mind, they will have recourse to secret plots which will be beyond your reach. In case you permit on the contrary the most absolute liberty of opinions, their crimes will come to light, though they be covered with some flimsy veil, and the People will do them justice. Has not the Nation been able to punish the members of the constituting assembly who have betrayed its interests? The same thing has taken place with respect to the legislative assembly; the People will not do less with respect to the convention; and let us wish that they may never be obliged to exercise severity which they were obliged to do heretofore. Citizens, the public opinion is a severe judge, and this is the only judge before which men called to the national representation should be brought. I ask that the article be adopted without restriction.

The assembly rejects every amendment, and adopts the article.

[Article 44 was then adopted.]

*Extract from a debate on the power of declaring war.*

**N \* \* \*** I demand that in addition to these articles, the *declaration of war* be also placed among the *laws*; for if the constitution requires the sanction of the People on acts that regulate the amount and the manner of collection of the common contributions, for much greater reason the People ought to be consulted when there is question of endanger-

ing their existence and their possessions altogether. Must the blood of the Citizens flow again to flatter the whims or to serve the corrupt designs of some men of talents who may rule in the senate? In all the ancient Republics the People deliberated on peace and war. In the first ages of the French monarchy the People were consulted in their assemblies of the field of Mars. ....

.....  
*Philippeaux.* And I insist upon the *declaration of war* being placed among the *laws*. That article the neighbouring Nations will lay hold of with the greatest eagerness. They will feel the difference between a herd of slaves and a free People. "Our kings and their courts" they will say, "dispose arbitrarily of our lives and our properties. We have seen the blood of our brethren flow for a family alliance, for a promise of marriage. The French on the contrary, deliberate themselves on the war; they do not decree war but after they themselves have found its necessity to be well proved."

.....  
*Thuriot.* We ought to distinguish between defence against an invasion begun or effected, and between a war which it might please the legislative body to declare under pretence of injury received, interests wronged, &c. for it is well known how much, under similar pretences, diplomacy would have the means to direct the national forces towards conquests. Do you wish that the Nation should be liable to be worn out by a foreign and distant war, because it may have pleased the legislative body to consider a trifling occurrence, two coaches entangled, as an insult for which national honour requires vengeance should be taken? Do you wish that a senate, deceived by some intriguers, should embark the Nation in a useless and disastrous war, in the name of the dignity of the Nation, or even of misunderstood national pride?

Any war by which we attack a neighbouring power, under pretence of a property, of a right to defend, is in truth offensive, though the same may be just. I demand that the *declaration of war* be placed among the *laws*, and submitted to the judgment of the People, who may ratify the



same upon the exhibition of the motives that render it necessary.

Observe, that if you had had such a stipulation in your former constitution, you would not have been betrayed; they would not have brought you to declare war *in harmony with the court*, as is proved by the papers found in the castle; proofs will be given you.

.....  
*Thuriot.* ..... What is the object of us all in general? That the national interest be not brought in jeopardy. Well, I say it can be in jeopardy when it depends absolutely upon the legislative body to declare and prolong war. What will happen? a perfidious committee will betray the interests of the Nation for gold. It will, as Brissot has done, pretend acts to exist which do not exist. The legislative body will maintain that such a political system of such a court is contrary to the interests of the Nation; and under the most futile pretences that body will declare war. The result will be, that while you would wish to enjoy in quietness the benefits of a good constitution, and try your laws by peaceable experience, perfidious men, sold to foreign powers, will involve you in a ruinous war.

.....  
 Do not trust then the most important interests of the Nation in the hands of the representatives. Will there be, I ask you, one single case in which it will be dangerous to consult the Nation?—Will danger not be foreseen? will it become all at once so urgent that three weeks or a month cannot be employed to gather the votes of the assemblies of the People? Remember that it will be, notwithstanding, both the right and the duty of the legislative body to make preparations for defence.

Should foreign powers rise against us in one vast body, and all of their own accord, they would have preparations to make, and movements of troops would take place, that cannot remain secret, and that require a certain lapse of time; the same preparations can be made on our side, while the Nation deliver their votes on the declaration of war; and it is necessary that such preparations take place

previous to a declaration of war. Therefore, there is no inconvenience at all in consulting the primary assemblies. And, on the contrary, there would be infinite disadvantage if it should be in the power of a misled or corrupted legislative body, to declare war under an imaginary pretence of a politic system laid in some court against our interests. Often the People, who alone bear the burdens of the war, will choose rather the loss of a contested right, than the loss of their possessions and their quiet.

Remember what has happened last year. The tyrant endeavoured to have war declared, that foreign powers might have a pretence afforded them to rise against us. He wanted not that a suspicion should be entertained of his being agreed with them. He made use of the villain Dumourier, who bore the sway over the council, and of the abettors of Dumourier, that did the same in the legislative body ; (62) and hardly two days had elapsed after war against the emperor had been declared, when the court were seen congratulating one another for having been successful, by means of bribery, in obtaining their design, that of plunging us, without defence, in a war against all the powers of Europe. We remember that Robespierre, that the most energetic Patriots, opposed at that time in vain that destructive system.

I therefore do oppose that you should trust in the hands of the representatives, and cause to depend upon intrigue, upon error, upon whims, the fate of a whole Nation. I ask, that the *declaration of war* be placed among the *laws*, and as such, submitted to the ratification of the People. (63)

*Extract from the debate on article 82, as originally proposed.*

**Robespierre.** This article appears to me absolutely useless ; for the true character of the mandataries of the Peo-

(62) The matter being prepared, Louis himself proposed the declaration of war, pretending that he considered this to be the wish of the whole Nation ; the national legislative assembly passed an act in conformity ; he ratified this act ; and on the 20th of April, 1792, the war was solemnly declared.

(63) This the assembly decreed ; see article 54, and compare article 55.

ple is determined by the nature of their functions. I further observe, that the denomination of *representative* cannot be applied to any mandatary of the People whatsoever, because the will cannot be represented. The members of the legislature are the mandataries to whom the People have given the first power ; but they cannot be said to *represent* the People according to the true sense of the word. .... The legislature enacts laws and decrees ; the laws have not the character of laws but then when the People have formally accepted them. Until that moment they were nothing but projects ; then they are the expression of the will of the People. The decrees are executed before they are submitted to the ratification of the People, only because the People is accounted to approve them ; the People do not oppose, (64) their silence is taken for an approbation. It is impossible that a government should be founded on another principle. That consent is either expressed or silent ; but the sovereign will is represented in no case, that will is presumed. The mandatary cannot be a representative, it is a misapplication of words, and, in France, people already begin to come back from that error. (65)

*Further extract.*

*Fonfrede.* I ask that an article be inserted in this constitution, by which you adopt as sacred a principle which has

(64) *Il ne réclame pas.*

(65) At the first view it may please the republican mind to find the appellation of representatives in use, as the same leads the thoughts up to the People from which the power of those that govern is derived ; but upon reflection we will see the importance of speaking with more accuracy. The word mandatary denotes a man qualified and sent to perform certain acts specified in the mandate, and who has not any legal power beyond that ; who is as guilty of usurpation when in any respect or manner transgressing the limits of his power, as any other private individual would be in usurping the very same authority ; who ought never to be obeyed in an act of usurpation, but tried as a criminal ; &c.—The word representative on the contrary, when taken in its most extensive sense, would convey absurd ideas ; and as the sovereign People have undoubtedly the power to change their constitution, yea to

been proposed to you immediately after the trial of the tyrant ; to wit, that the penalty of death be abolished with respect to any crimes but those against the general safety of the Republic.

*Thuriot.* This question ought to be referred to the committee employed about the penal code.

This reference is decreed.

*Extract from the debate on article 98 and 99.*

*Philippeaux.* ..... In what manner soever the judiciary power be organised, criminal tribunals will exist which will be bound to act according to rules respecting judiciary proceedings. It is of the very greatest importance that in criminal matters the rules respecting the form of trial be rigorously executed ; it is therefore necessary that one single tribunal be judge with respect to the form of judiciary proceedings which every one of the tribunals, dispersed throughout the Republic, shall have observed. In case no such tribunal of annulment existed, those customs which were governing in the different provinces would spring up again, and together with them those systems of law so widely different from each other, (66) which you have annihilated in order to establish the unity of the Republic. I demand that the article proposed by the committee be adopted.

*Extract from the debate on article 101, as originally proposed.*

*Levasseur.* I demand that here these two principles be acknowledged to be sacred, to wit, that no contribution can be demanded from those persons who have merely so much as they absolutely need ; and that the amount to be paid shall bear a proportion to the degree of riches of the individual.

*Gastelier.* I offer the following proposals :

dissolve the politic body, one might conclude that those who should in truth represent the sovereign People must possess all these powers too.—The fact is that the People cannot be represented in such a sense.

(66) *Ces jurisprudences si différentes.*

1. The contributions shall bear a progressive proportion to the degree of riches.

2. Such persons as enjoy merely what is absolutely necessary, owe, as their only contribution, one day of labour, each.

*Cambon.* The subject of contributions is one of those which it is most difficult to regulate by the constitution. In fact, the legislatures ought not to be laid under a restraint. Hitherto there have been different systems respecting the public revenues, upon which no decision has taken place. In case you establish any boundaries in relation to the laws which may be made upon this matter, you will afford to selfish persons the means to evade contribution.

You should further observe, that the contributions cannot be fixed but by a law, to the existence of which acceptance by the People is a requisite, and consequently the People will deliberate continually upon their interests. I ask that the article of the committee be adopted.

*Fabre d'Eglantine.* Citizens, an opinion has been thrown forth just now which had already been offered to you. Exemption, for those who have merely what they absolutely need, from all contribution. I demand that this idea be formally rejected; for if any legislative body might adopt it, a line of separation would thereby be established; and this proposal, which is sufficiently treacherous, and might be received with shouts of applause, would prove a destructive snare for liberty and equality. I demand that it be determined by the constitution, that every Citizen, without any exclusion, is bound to take a share in paying the contributions.

*Ducos.* I believe, for my part, that it is a principle of strict justice, that such a man as enjoys merely what is absolutely necessary, do not pay the least contribution. In fact, if you demand of him that he shall pay some contribution, how small soever the same be, the result must be that he shall have a little less than what is necessary, and consequently it must incommode him. The dread of an inconvenience which Fabre displays is at first view plausible indeed; he fears that what is only agreeable to rigorous justice may be considered as a favour; he fears that the Citi-

zens might be divided into two classes, the one consisting of the Citizens who pay taxes, and who would be active Citizens; the other consisting of the Citizens who pay no taxes, and who would be passive Citizens. Yet I say, that in case such a distinction be not established by laws and decrees, the same will never exist. I further observe, that as it is a property of industry to cause an increase of possessions, the result must be that such a distinction shall not exist for any considerable length of time in relation to the same individuals, but such a one as belonged on one day to the class of those who do not pay, shall place himself on the next day, by his activity, in the class of those who do pay. I therefore think, that if there might be any inconvenience in acknowledging as sacred the humane principle which is offered to your consideration, at least there can be none in not rejecting the same.

*Robespierre.* I have shared for a moment the error of Ducos, I even believe that I have supported the same in some writing; but I come back to the principles; and the good sense of the People, who feel that this kind of favour which is offered to them is merely an injury, has enlightened my mind. In fact, if it be decreed, especially by the constitution, that poverty exempts a man from the honourable obligation of contributing for the wants of the Country, then the debasement of the purest part of the Nation is decreed; then an aristocracy of the wealthy is decreed, and soon you would see these new aristocrats, bearing the sway in the legislatures, draw the conclusion, with an odious Machiavelianism, that those who do not pay the burdens of the government ought not to have a share in its benefits; a proletarian class, (67) a class of helots, would be established, and equality and liberty would perish for ever. Do not deprive the Citizens of that which is most necessary to them, to wit, the satisfaction of offering to the Republic the widow's mite. Far from inserting an odious distinction in the constitution, the honourable obligation to pay his con-

(67) A class considered as mean.—The helots were the slaves of the Spartans.

tributions, which rests upon every Citizen, ought on the contrary to be declared sacred by the same.

The principle acknowledged as sacred in the declaration of rights, that Society owes that which is necessary to every one of its members who is unable to procure the same by his own labour, this principle is both popular and just. I demand that this principle be inserted in the constitution, that the poor Citizen who owes one *obole* as his contribution, shall receive the same from the Country, that he may cast it in the public treasure.

*Extract from the debate on article 108, and 109, as originally proposed.*

“The Republic has under pay, in time of peace, an armed land force and naval force, sufficient to preserve internal and external peace.”

*Ducos.* It is not the business of regular troops to preserve internal peace; this is the business of the Citizens, of the national guards, of the Nation itself. In case you should declare the regular troops to be destined to effect this purpose, the result would be, that ambitious or corrupted administrative bodies might use this force against public liberty. I demand that this clause be expunged from the article.

Thuriot proposes that the article be drawn up in the words following :

The Republic has under pay, even in time of peace, an armed land force and naval force.

The assembly adopts this proposal.

The next article is proposed thus : All Frenchmen are exercised in the management of arms.

*Lacroix.* I demand that this article be drawn up in the words following :

All Frenchmen are soldiers ; they are all exercised in the management of arms. (68)

The assembly decrees accordingly.

(68) See the piece entitled, *A few observations on article 109, &c.* inserted in this compilation.

*Extract from the debate on article 116, proposed in these words, "The convention meet at a distance of at least 20 leagues from the legislative body."*

*Billaud-Varennes.* In this article circumstances are intended when conventions are called by the primary assemblies to revise some articles of the constitution. But cases may occur in which the primary assemblies demand the total revisal of the constitution. I would wish that in case the primary assemblies claim a convention for to revise some articles only, that then the same meet at a distance of 20 leagues from the legislative body; and that in the other case the legislative body be annihilated.

.....  
*Thuriot.* I also oppose the system of the committee. It is certainly very prudent to hinder the national conventions from occupying themselves with any other object but that for which they are called together; but to establish at the same time the existence of a convention and a legislative body, is to prepare a political chaos, it is to provoke a strife which might overthrow France.

.....  
 Moreover it would be necessary to choose twelve hundred persons to form these two rival bodies; and certainly there will always be more energy, more knowledge, more patriotism united in one national assembly, when the People have only six hundred persons to elect, than in case they have twelve hundred to choose. (69)

(69) This difficulty must appear still greater when we consider that a national convention might be chosen at any season of the year, the legislative body already existing, and counting among its members perhaps those persons whom the People would prefer above all others for the work of drafting a new constitution, or any alteration of the constitution; and if the People should by their choice transplace these members in the convention, the worse part of the legislative body might become too powerful and uncontrolled, notwithstanding the primary assemblies filling soon the places of the transplaced members. As article 115 and 116 now stands the People have the means to annihilate regularly a legislative body which acts unfaithful, or which the People do suspect of designs contrary to liberty, by demanding to have any article altered, and consequently a convention called; if the legis-



I therefore demand that it be decreed, that as soon as a national convention shall be assembled the functions of the legislative body shall cease.

*Ramel-Nogaret.* The question upon which you deliberate is of the greatest importance ; the committee have examined that question in all its different connections ; they have asked themselves whether the national convention which now exists could fix the rights and regulate the duties of a future convention. The committee have thought that the constitution ought to remain untouched until the changes proposed by an other convention shall be accepted by the People.

If you accumulate on the same persons the legislative and the conventional functions, the convention, thinking that it exercises all the fulness of the national power, will throw down the political building ; if on the contrary you keep together with the convention a legislative body in existence, that body will preserve the constitution and the laws, as long as the People shall not yet have changed them. In that case the constitution cannot be overthrown but after an other is come in its stead, and you save the People from that state of anarchy which is the unavoidable consequence of an absolute non-existence of government. I ask that this article be maintained.

*Robespierre.* When liberty reigns, nothing endangers liberty more than political commotions : now, it is impossible that a convention and a legislative body should exist at the same time, without this being productive of such commotions.

.....

Moreover, the duration of the national conventions will be short, and I do not see what inconveniency is found in trusting to them, for such a short time, the work of enacting some decrees. Have we not had already two national conventions which possessed these united powers ? And these very conventions have conducted the revolution ; they have maintained public liberty. ....

lative body refuses to convene the primary assemblies, when bound by the constitution to convene them, it is evident that the case mentioned article 35 of the Declaration of rights exists,

Therefore, to destroy a lasting seed of divisions, and to avoid confederations and civil war, I ask the previous question on this article.

*N \* \* \** Nothing is of more importance to liberty than that the powers be well separated; nothing is of more importance to despotism than that they be united. What difference does it make to me whether one person exercises despotism or several, if after all despotism is exercised? of what importance is it to me whether the denomination be national convention or dictator, when the effects are the same? We ought to secure ourselves from either, and this is the object of the article proposed by the committee. ....

*Herault.* Robespierre has mentioned the true reason, by saying, that the unity would be broken and that the Nation would be divided in two parties. I myself ask the previous question.

*Billaud-Varennes.* The justness of the remarks of Thuriot and of Robespierre now only needs to be shown by facts. A convention will most likely be called together for the purpose of correcting abuses the legislative body has been guilty of: now, if you let that body remain, which to all probability will have formed a powerful party, you will see a division break out, and civil war will ensue. ....

*Guyomard.* And I ask that the convention be distinct from the legislative body, for if the convention should not be kept within bounds, that body would prolong its existence, and would employ itself in governing.

*Barrere.* If we could organize the future national conventions, and regulate all the free acts of the sovereign power, it would be well to adopt the article proposed by the committee; but now you should give the Republic such a constitution that conventions may seldom take place, in so doing you promote the stability of the government and the prosperity of France.

Certainly we have to fear that aristocracy may avail itself of a national convention to throw down a republican constitution, but the Nation has the right to do what it shall think proper; we have not the right to prescribe ought to the Nation, when it shall be its will to have a

constitution; I rely upon its love to liberty. I also ask the previous question on the proposed article.

The assembly agree to the previous question, and this article is decreed in the following words:

The national convention is formed in the same manner as the legislatures, and possesses all the power the legislative body is invested with.

*Further extract.*

*Levasseur.* I ask that the duration of the national conventions be limited.

*R \* \* \** To fix by the constitution the duration of the national representation which comes together to draw up a new constitution, is to lose sight of all the principles of the People's sovereignty. ....

*Philippeaux.* I support the proposal of Levasseur. In the midst of the most extraordinary circumstances and the most imminent dangers, we have framed a republican constitution, and the year has not yet elapsed however. I therefore think that the time of one year must be sufficient for a national convention to reform some articles of the constitution, and even to frame a new constitution.

*Houdot.* I propose that the words be: The duration of the session of the national convention shall be of one year at longest.

*Gregoire.* You have inserted that the primary assemblies shall assemble every year, on the first day of may: well now, when these assemblies deem it necessary they can repeal the national convention which exists, or invest the same with new powers. I vote against the proposed article.

*Garran-Coulon.* The example of all governments shows forth how dangerous it is that the authority of constituted bodies be prolonged. I therefore think that we should fix their duration, and I wish it should be of one year; for if the People be immortal in this sense, that the mass is always existing, it is alike true that the People of one year is not the People of a preceeding year; now, no right can exist to grant powers on the part of a People which is not yet in existence. The People undergoes a continual

renovation; I ask that its representation be renewed likewise.

*Garrau.* I ask the previous question; when a national convention desires to prolong its authority too long, the primary assemblies will take its powers from it.

*Méaulle.* At Rome, the dictatorial power could not be lengthened out beyond the fixed term; I desire that just so the national conventions cannot prolong themselves beyond one year; it is necessary that after the pillars of the government are shaken, not a year should elapse before they be strengthened again.

*Amar.* As the right to fix the duration of the powers resides solely in the People, I ask the previous question.

*N \* \* \** At Rome, the power of the *decemviri* was for one year; they had dexterity enough to get themselves continued time after time, and an insurrection was necessary to annihilate their power. I ask that the duration of the national conventions be fixed.

*Couthon.* I ask the previous question on this proposal, for this sole reason, that the People will meet every year and can destroy an usurping assembly.

*Garran-Coulon.* From the constitution being silent on the subject, a national convention may conclude that its powers are unlimited, both as to their object and as to their duration. I ask that the convention be for one year, unless prolonged by the People.

The assembly decrees that the duration of the national conventions shall not be fixed.(70)

(70) After all, it appears to me, that never any convention or similar assembly should be chosen without a time being fixed when, *at the longest*, the power or mandate of the members expires; that is, unless previously the People annihilate or abolish the assembly, which the People should be enabled to do at any time in a regular manner, by assembling and voting.

As, according to this constitution, the case mentioned article 115 may take place at any time of the year, and that the revision of a few articles, or of many, or of the whole constitution, may be demanded, it appears to me, that consistently with the pure principles which are recognized, the following method might have been prescribed in this constitution, to wit: That when the legislative body convenes (according to article 115) all the primary assemblies, to decide upon the question, Shall there be a national convention? the legislative body taking

*Further extract ; article 118, and 119, being under deliberation.*

Gregoire offers a draught of a declaration of the rights of Nations.(71)

*Barrere.* I invite the convention not to lose sight of the position of France in the midst of Europe ; you are not only a philosophic and legislative assembly ; you are a politic assembly ; I do not believe that you should go at this

in consideration the extent of the change intended in the constitution, and the time of the year, shall propose to these very same primary assemblies, as a separate question : Shall its duration be till such a day of such a month, unless previously repealed or ceasing otherwise ? (for instance by a new constitution being adopted, and the deputies, chosen accordingly, having met.) and again as a separate question, the same last mentioned one, proposing an *other* day and month as the limit of its duration. Should there be no majority of yeas on either of these proposals, which is very unlikely, the question, Shall there be a convention ? being answered in the affirmative by the majority, then at the time when the primary assemblies meet for the election of the members of the convention, similar proposals respecting the time of duration might be put.—It should be observed that the question, Shall the duration be till such a day or till such a day ? cannot be put to the sovereign People, because this would involve a commandment to choose the one or the other ; but any proposal which the People can reject, by the majority voting *nay*, appears to me consistent with the principles, generally speaking. (And provided the thing proposed be not contrary to man's unalienable rights.) According to these principles and the spirit of the constitution, a demand to this effect by the number of primary assemblies required in article 115, I think ought also to be sufficient, to have any other question laid before the whole People to decide upon, as well as that : Shall there be a convention ? for instance the question whether a particular law shall be repealed from and after a fixed day.

Most essential it is, in order to preserve liberty, that a considerable portion of the Citizens frequent Patriotic societies, and there discuss their rights, the tendency of existing laws, public measures, &c. &c. By such societies the minds of thousands and thousands may be greatly enlightened with respect to the interests of the Republic, and true Patriotism and watchfulness may be kept alive. Such societies appear to me useful beyond description, yea necessary ; their keeping up correspondence with one another throughout the Country is also of great importance ; " light and publicity is the natural food of liberty."

(71) *Droit des gens* ; the law of Nations.

moment any further than your articles of the act of the constitution. The declaration contained therein, that the French People is the natural friend of free People,(72) shows plainly enough to Europe what difference we see among the governments; we should not leave our proper course and rove in philanthropic notions.(73)

*Thuriot.* I ask that this draught be printed and made the order of the day; I perceive sublime ideas in the same.

*Several voices.* The previous question.

*Others.* The order of the day, on this ground, that every member has a right to publish by the press his sentiments in relation to the constitution.

The assembly pass to the order of the day on this ground.

*Extract from the Debate on article 121.*

*Several members.* The yeas and nays.

*Mercier.* Such articles are written and are expunged by the sword; advantageous treaties may be made on one's own territory. Do you flatter yourselves with being always victorious? have you made a treaty with victory?

*Bazire.* We have made a treaty with death.(74) (plaudits.)

*Mercier.* That exaltation of ideas is not true greatness. ....

*Further extracts.*

*Herault.* The institution of a national jury has been rejected; but the assembly have agreed in the idea, that some means ought to be sought to secure the People from oppression by the legislative body. We have considered this question in relation to two different cases. When the Social Body is oppressed by the legislative body, the only means of resistance is insurrection; but it would be an absurd thing to think of organising the same,

(72) *Peuples libres.* Free Nations.

(73) *Il ne faut pas s'extravaser en opinions philanthropiques.*

(74) Or: is victory at your disposal? *Bazire.* Death is.

for it has different characters. This you have experienced ; the insurrections which took place in the year which is past were very different from the last insurrection ; the former were the work of force, (75) the last has begun by a petition ; we have seen the People cover the Declaration of rights with crape, and at last rise in one mass. It is therefore impossible to fix the nature and the character of the insurrections. This we must leave with confidence, to the choice, the character, the talents, of the People. But an other case may occur, to wit, when the legislative body should oppress some Citizens only, then it is necessary that those Citizens do find a means of resistance in the Nation.

The several articles which we now offer to your consideration, bear collectively this title : *Of the censorship of the People over the deputies, and of the People's guaranty against oppression by the legislative body.* We have proposed ourselves in drawing up these articles, to assign to each section of the People by which one deputy has been chosen, (76) the work of judging the conduct of that very deputy ; and we have added, that a deputy cannot be elected again, until his conduct shall have been declared approved, by his constituents. We have derived this manner from the principle of national representation. In fact, nothing is so congenial with that principle as to have the deputies judged in the same manner in which they are chosen.

The advantages of our project are : 1<sup>o</sup>. its popularity ; 2<sup>o</sup>. that the duties of the representatives of the People be constantly exhibited to their sight ; 3<sup>o</sup>. that they be kept in readiness to give an account, if required, previous to their entering upon new functions.

Hervault reads the articles of which he has just given an idea.

*Thuriot.* I ask leave to speak against this project. At the same moment when we wish to consolidate the sove-

(75) Of strength and vigour.

(76) See the Constitution article 23.

reign dominion of the People, we seem to be busy in undermining its foundation. You have declared sacred this principle, that a representative of the People belongs to the whole Nation ; well, a section which should pass censure upon a Citizen who belongs to the Republic, would usurp a right which such a section by no means has. In order to show you how bad this proposed system is, a few suppositions will be sufficient. Let us suppose that at the end of our course we shall be judged, each of us by the section which nominated him ; well, then you would see some sections, deceived by intriguers, condemning virtuous deputies, and choosing again those which certainly have the least served the People ; perhaps even the best defenders of liberty would be proscribed in a part of the Republic. Let what has happened serve you as a lesson. If, last year, a man had strongly spoken in favour of a republican government, if he had professed maxims which are sacred at present, and which will last for ever, he would have been proscribed. So it is still possible that men of great conceptions, when they display strong ideas, but of which the value might not forthwith be perceived, be considered as extravagant and dangerous men, unworthy of the confidence of the People. And such a man's enemies, availing themselves of the slowness with which the public opinion is formed, would persecute him. After some time, when truth should have recovered its rights, the People would feel the utmost grief for having unjustly judged a great man ; but the censure pronounced against him, would still fetter the will of the Citizens when wishing to elect him again.

Let the public opinion only pronounce on men, and let us not promote by a decree decisions which might prove hurtful to virtue. I demand the previous question on these articles, and that we leave this matter to the wisdom of the People.

.....  
*Dartigoyte.* I demand that the project of the committee be adopted. Surely the French People ..... will not



condemn virtue, will not disown their friends, nor despise genius.(77)

*Levasseur.* I consider the project of the committee as impracticable, and as contrary to the principle that no limits can be set to the choice of the People, nor that choice any wise prescribed.

*Lacroix.* This is also my opinion, and I wish to quote an instance in support of the same. You have placed a deputy from the neighbourhood of the Vendée in a state of arrest; well now! if that deputy should be judged by the primary assemblies of the section which chose him, these no doubt would declare that he has deserved well of the Country; and if, in that time when the Patriots in the national convention were oppressed by a tyrannical majority, Marseilles and the Vendée had judged the deputies, they would have deprived the People of representatives who really aim at the happiness of the People. I ask the previous question upon a project which might carry with it these dangers.

*Guyomard.* I support the project, in order that the moral responsibility of the deputies be not an illusion.

*Couthon.* Your committee of public welfare convinced of the desirable qualities of those articles which they have proposed, were not aware of all the inconveniences that accompany them. But you have made us perceive these, and I myself ask that these articles be expunged. I demand the previous question, on this ground, that a single section of the People has not the right of depriving the whole Nation of a representative who possesses its esteem.

The assembly rejects the project of censorship.(78)

Herault reads the Act of the Constitution throughout.

(77) The decision would, according to this project, not depend upon the whole French People, but upon the majority in one section; which section would be about one six hundredth part of the People!

(78) All that perhaps could be done consistent with the rights of each Citizen, might be something like this: That at a period near to the time of election, (the 1st of May,) yet so distant that the result could be universally known previous to the election, the primary assemblies throughout the Republic should be convened extraordinarily, (to wit, in case a fixed number of Citizens have demanded this convocation,

*Legendre.* I demand that the unlimited liberty of the press be guarantied by the constitution, for to the press we are indebted for the public liberty which we enjoy.

This proposal is adopted.

N \* \* \*. I demand that the constitution guaranty also the public debt.

from the legislative body, these Citizens prescribing the very words of the question to be put to the Nation,) and that the following, or a similar, question, should be decided by the yeas and nays of the whole People: "Does the People declare, that it is its will that N. N. be not elected during this year as a deputy? and consequently that the votes which might in any place be given in favour of his election, during this year, shall be lost and be of no account?"—A measure thus so far in the spirit of the ancient *ostracism*, and *petalism* that it might be considered as affording the People a mean to secure itself in some measure against too influential and dangerous men, who might aim at the destruction of liberty, and whom the law could not yet reach.—And such decisions the People might diversify and extend to an exclusion of N. N. during that year from all military charges, or all national offices.

Possibly it might be proper that, at any time of the year, the People could in a similar way annihilate the mandate of any actually serving deputy, member of the executive council, commander of an army, and any other national officer, and disqualify the same for a fixed and short period for holding that place and some other places. Yet this principle should invariably be kept in view, that the People of one year are not the People of the next, nor can in the least lawfully restrain the choice of the People of the next year, nor of its deputies, &c. That People can renew the same disqualifying declaration for a fixed and short time. And if the whole People be convened to vote about the removal of a deputy actually serving, the primary assemblies of that section which chose him should at that very meeting proceed to the election of another in his stead, this election to be of force only in case the majority of the Nation decide in favour of that removal.

That in all similar cases a demand by a fixed number of Citizens be required, to cause the convocation of all the primary assemblies of the Republic, appears to me a much better regulation than that a demand by a fixed number of *primary assemblies* be required.

But would any such slow measure afford much security?—Conspiracies often were hardly suspected to exist until the deadly blow was struck. Buonaparte had, at the head of very few men, overthrown the government of the Republic, and was ruling in fact as a despot, within 4 weeks after his return to Paris from Egypt, and whilst a large portion of the French believed him still there.—Active watchful Citizens throughout all the Country, keeping their rights and duties in view, and who appear to be ready to act up to them, may really afford a strong

*Chabot.* I demand the order of the day, on this ground, that the public debt is a property, and that all kind of property is guarantied by the constitution.

*Lacroix.* Our slanderers spread abroad that we aim at bankruptcy, if you should reject the amendment, they would avail themselves of this circumstance to obtain belief in their calumnies. Though the order of the day on the aforementioned ground is an equivalent to the positive decree, I do prefer the decree, and I demand that the amendment be added, and inserted in article 122 of the constitution.

The assembly adopts this proposal.

[The Act of the Constitution, as definitively drawn up, was then adopted by the national convention, on the 24th of June, 1793, Collot-d'Herbois being president; whilst the hall and galleries resounded with the joyful cries of, Long live the Republic! Live the Republic forever! Live the convention! Live the mountain! &c. and diversified manifestations of the great joy of thousands and thousands, immediately began, and closed this memorable day.

The constitution was freely and truly accepted by the People in their primary assemblies, by 1,801,918 yeas, against 11,610 nays.]

bulwark to liberty, and deter those who are of a treacherous mind. The utmost danger exists where this Patriotic watchfulness, and jealous active care against first encroachments is wanting.

Much might be said against the manner of election by sections, instead of election by the whole Nation by absolute majority; but much in favour of the former manner may be said also. At any rate practicability is a first requisite of any regulation.

## OBSERVATIONS

*On article 109 of the French Constitution of 1793, compared to the Rights of Man, as acknowledged by article 1, 2, 7, and 18, of the Declaration of the Rights of Man and of Citizens.*

This 109th article appears to need a fair construction; certainly not every Frenchman, the blind, the deaf and dumb, the old and infirm, &c. was intended to be constituted a soldier; and could such be intended as should consider it contrary to the dictates of their conscience to bear arms in any case whatsoever, or even in any particular war? was not liberty of conscience acknowledged?—This article seems to intimate that, generally speaking, Frenchmen are the defenders of their beloved Country; that every one has a right to possess arms; and that, in general, a sufficient instruction and exercise as to the management of arms ought to take place.

And besides, however some persons might possibly construe this general declaration, it ought to be observed, that no law on the subject of the defence of the Country (nor on any other subject) could be framed and brought into operation without the People having an opportunity to reject the draught of the same, according to article 56—60.

If it should be pretended in any Republic, that the majority of the Citizens have the right to compel the minority, or any individual, to do any thing which, according to the belief of that minority, or individual, is contrary to duty, how can liberty of conscience be enjoyed there? The free exercise of the different manners of worship cannot be forbidden; (Rights, art. 7;) but what man, in any degree sincere and intelligent, can rest satisfied with liberty only to join in what is called public worship, and which ought to serve to enforce in his mind the lively sense of his obligation

to render an universal obedience to all the Divine precepts, and the ardent desire to yield this obedience,—whilst compelled to obey in his conduct the dictates of his fellow-men, though he considers them as commanding acts forbidden by the Creator? No, every act of abstinence and of performance according to the Divine precepts, if flowing forth from right motives, belongs essentially to true worship; and the exercise of that which the individual considers to be worship, is evidently intended, and acknowledged to be free, in this seventh article of the Rights.

Equality, liberty, safety, and property, are natural and imprescriptible rights of Man: the social state ought to secure to Man the enjoyment of these rights. (Rights, article 1, 2.) But what enjoyment of true liberty and safety is secured to a man who would be liable, at the choice of a majority of his Fellow-citizens, to be forced to yield the blind obedience of a soldier, and to risk his limbs and life in what he may consider as a war of aggression waged to the injury of his Country?—how is the enjoyment of his property secured to him, when he should be, so to speak, at all times wholly at the disposal of the community? No, he does not, he cannot, surrender these unalienable rights to the Republic; nor is his person alienable property; (Rights, art. 18;) he cannot surrender his person to the Republic; but he may engage his services, and his time; he may enlist voluntarily.

Yet, that no man may be forced to enlist from the utter poverty and want of subsistence to which he is reduced, article 21 of the Rights should be brought into practice according to its most extensive and fairest intent; and of course in such a manner that neither those whom the Republic furnishes with work, nor the infirm supported by the Republic, be deprived of the exercise of their rights as Citizens, nor of the opportunity of attending Patriotic Societies and enjoying other means of improvement, as well as at home, a free disposal of part of their time, &c. Nothing in the least similar to locking freemen up in workhouses ought to take place; it is very essential that a freeman displeasing by his vote a proud employer and dismissed in con-

sequence thereof by the same, can enter at once into the employ of the Republic, and enjoy safety and comfort with his family, being furnished with some useful work. And so the infirm ought to be perfectly independent on the rich.

“What,” may some readers say, “a Society not having the power to call, and if needs compel, the individuals composing the same to its defence! What security, what safety could a Republic possess where each Citizen should be able to exempt himself from defending his Country, by means of declaring to consider the bearing of arms *in any case whatsoever* as contrary to the Divine commands, or *so* in a war actually existing *as not being purely defensive*, or even, *so* for *him*, as not being *fully assured* in his mind of the *purely defensive* nature of a particular war, or perhaps even without any such declaration?—The Country being invaded, a few zealous Republicans would attempt to defend their beloved Land,—the worst disposed would stay at home, with numbers of cowards and selfish coldhearted men; they could plot at leisure, out-vote the few true Patriots that should stay in their cities, &c. &c.”

Yes, “even without any such declaration,” each French Citizen ought to have enjoyed *liberty* to abstain from becoming subject to the commands of a military chief,—he ought to have enjoyed *safety* for his life and limbs, if not choosing to risk them in his Country’s defence, &c.

I will add a few brief hints, in reference to the above supposed dangers and bad consequences of such a state of things.—Suppose Hayti were about to be invaded by an European army, and the Haytian government, say that at whose head Petion is, would not resort to any compulsion, but draw, in a proclamation, a lively picture of the threatening danger of being again reduced to slavery under cruel white oppressors, bought and sold like beasts, &c. or at least deprived of true freedom and National independence; subjugated by an European power, and uncertain what horrors and miseries the whites, when once having again the power in their hands, would make them undergo;—and invited freemen to enlist, able officers being appointed, and every other preparation being judiciously made, would

K

there be but few coming forth? This I think cannot be supposed. And the lions would not be put to flight for a few hares not being by compulsion driven into their ranks. It appears likely they would be successful against almost any force, provided some powerful members of the government did not prove traitors.—But should the Haytian emperor, from wicked ambition, wish to wage war against his brethren and to subdue the whole island, and then only *invite* to enlistment, few indeed would enlist, and he would have to give up his proposed enterprise.—A small number of French Republican troops, partly volunteers, partly young men willingly and joyfully submitting to a *régquisition*, (though that *régquisition* was in my view not consistent with the principles,) chased, though labouring under great disadvantages, the allied troops from the French territory; but Buonaparte's amazing numerous armies formed by compulsion, he having the completest power over the whole population, could stop up bridges in their flight and almost fill rivers with their corpses, but could not keep the allies out of Paris; vast numbers of these poor conscripts were so happy as to find the wished for opportunity to surrender themselves prisoners of war.—So the ass in the fable was in vain urged by his master to go quicker, to avoid being overtaken by the enemy; "Shall he lay heavier burdens upon me, than you do?" said the beast.—And so are the feelings of the oppressed.—But a Country, where each head of a family knows, that he can in no case be compelled to leave his property and family, nor any of his sons can be forced from his paternal arms, nor he be ruined or any wise impoverished by fines for staying at home, nor be subject to any of the vexations and troubles connected with any kind of compulsion to bearing arms, exercising, &c. such a Country and state of things, I say, could not but be beloved and considered worth defending, and the Citizens generally would feel, that, if ever conquered by a foreign power, their loss and distress would be hardly less than that of the Haytians if again reduced to literal slavery, (they would feel that, among other miseries, compulsion to fight for their new tyrant, might await them at the shortest distance,)

and if needs, it appears to me, they would generally act accordingly; unless so generally destitute of civic virtues as to be thence on the brink of unavoidable slavery.

As to sudden invasions, the French Republic was to have under pay, even in time of peace, an armed land force and naval force. (See art. 108.) This force ought certainly to be obtained by voluntary enlistment. And, the other stipulations of this constitution taking effect, and the People truly exercising a sufficient control over the government, a small standing army might *perhaps* exist without endangering liberty;—and, if existing, could be used in the first moments.

The thirst for applause, and the fear of contempt and derision, operate most powerfully on many, and perhaps more or less on all minds; thence a number of persons, though not acting from Patriotic motives, would join those who should have agreed, voluntarily, to form a kind of free corps in order to exercise themselves in the management of arms in time of peace; and if a war broke out many cowards would enlist (some even stifling the scruples which they might feel) not having courage to await and bear the manifestations of the disapprobation of their Fellow-citizens; so many have from cowardice risked their lives in duels.—The government could in various ways promote emulation, and encourage enlistment; and, among other things, take peculiar care to provide for the necessities, and, as far as consistent with the service, for the comforts and safety of the defenders of the Republic; and could make ample provision for the maimed, and for the widows and orphans of those that should fall. Different kinds of corps could also be raised, (yet all by voluntary enlistment only,) some corps merely for local defence, and not liable to be ordered out of their city or district; in such some heads of families would prefer to enlist.

Should the government unnecessarily lengthen out a war, the enemy having become desirous of peace, many Citizen-soldiers might indeed refrain from enlisting again at the end of their terms, and so the government be brought, through want of support, to make peace; but this would be an ad-



**vantage.** And should the degree of uncertainty of support in a war not evidently necessary, or a war apparently in some way or other provoked by the government of the Republic, deter that government from any acts which possibly could provoke war, and cause it to hold constantly a conduct as if truly bent upon preserving a state of peace, this would promote the *safety* and prosperity of the Republic much better than any preparations for war.

As to the plotting of ill disposed persons who would stay at home in a time of war, such persons would perhaps find more opportunity to do injury when in the army, and in forts, &c. They should be watched over and the laws be strictly executed; yet nothing beyond the laws should be done.—If it appears necessary, a part of the Patriotic army can be stationed in the interior of the Country.—And the more true liberty is enjoyed, and the less the people have causes of dissatisfaction, the less support traitorous men are likely to meet with, generally speaking.

As to the danger that the unpatriotic men who stay at home, shall out-vote the true Patriots that have remained there,—this appears to me a very important observation.—But, that no pure elections, &c. can take place, is applicable to any state of war and the consequent separation of a number of Citizens from their homes and from the means of proper information. Though those that stay at home from scruples respecting the bearing of arms, may love their Country fervently and constitute a considerable portion of the voters, yet, a great number of Citizens who ought to vote, not being able to vote, as they are absent from home, marching, or perhaps just engaged in the dreadful work of fighting, yea thousands perhaps prisoners of war; so it might almost appear a correct conclusion, that the sovereign People, which is the universality of the Citizens, cannot act under the circumstances attending a state of war, and that all elections ought to be postponed.—The fact is, that war in itself is an utter subversion of good order, and in the highest degree hostile to liberty; and to place the lives and persons of all the young and middle-aged men at the despotic disposal of the few men that govern,

or even of the majority of the People, (could such a thing be done legally, which it cannot,) would by no means mend this matter.

The horrors which have attended the late conscription in France, ought to excite an abhorrence of all measures in any manner or degree similar to it. Some youths shot in a village where any unwillingness was manifested, to make their terrified brothers and friends march submissively; some chopping of a finger, tried on this account and condemned to imprisonment and hard labour, under the hardships of which state many perished; hundreds of young soldiers dying in the first six months in hospitals in consequence of grief and sufferings, yet unstained with the blood of their fellowmen; farmers rich in beloved children, beholding yearly one or two torn from them, never to return; about 50,000 Frenchmen left in a single battle on the field of slaughter, and the one bloody battle following the other in quick succession, and yet scarcely any returning to France with the loss of a limb, those so maimed, of course, in general killed or left to starve!—But in vain would I attempt to give any adequate idea of the horrors of this conscription. Let it be remembered that a seemingly necessary measure, that of calling out some Citizens to defend the invaded Republic, (the *réquisition*,) has laid the first foundation of the conscription, and that the government has gradually made the compulsion more oppressive.

To conclude,—nothing short of perfect liberty for every Frenchman to stay in his house, and not to comply with his Country's *invitation* to enlist, ought to have existed, according to the acknowledged rights of the individual Citizens; and of course no compulsion to bear arms in any manner, neither as soldiers, nor as National guards, (whose service was somewhat similar to that of the militia in other Countries,) nor in any other manner whatsoever. No declaration of scruples respecting the bearing of arms ought to be demanded, such an exaction would tempt to untrue declarations, and such kind of temptation has an utterly depraving tendency, and consequently a tendency to ruin

a Republic ; besides, there would then be, in some sense, a privilege granted to the truly scrupulous and to those who should falsely profess scruples, and " All men are equal in the sight of the law" ; the Society neither recognises any sects, as such, but views only Citizens and inhabitants ; and not only art. 7, but also art. 1, 2, and 18, of the Rights, ought to be remembered.

Hardly any man, I think, can for a moment suppose that a majority can have a right to demand the obedience of the individuals to every possible act which the majority shall think fit to command. Suppose a majority, void of all proper feelings, should, in an extreme case, command sons to kill their parents above 70 years old, as useless consumers of food ; who would consider himself bound to obey and commit the most shocking act imaginable ? And yet, those who sincerely believe all killing of a fellow-man to be forbidden by the Creator, or who sincerely consider it murder to kill in any war but a war in their view evidently defensive and necessary, must look upon the going forth to commit what they consider the murder of a brother, a neighbour, with the same horror. Shall Society attempt to compel these, and cause many of them to die as martyrs ? Shall Society attempt to compel those who doubt whether the required act be murder ? Or, if such compulsion be acknowledged to be horrible, shall there be no equality with respect to a most momentous point, but the heads of families who make a declaration, enjoy safety, liberty, &c. and a prospect of safety for their children,—and the others not ?—The Rights of man settle these questions, and show the limits of the power of the Society over each equal member.

These few observations were written on the supposition, of defensive war, in certain cases, being not forbidden by the Creator ; now, leaving these most important subjects to abler hands, I would entreat those who acknowledge that the Holy Scriptures contain a revelation from God, which ought to be the rule of our belief and practice, to try to make (or to make *again*) an impartial and not superficial inquiry respecting the lawfulness or unlawfulness, for

those that acknowledge the Holy Scriptures, of taking any part in warfare.—By searching the Scriptures we will certainly find, that we ought to love all men, with a love of good will; to pray for all men; to bless them that curse us; to love our enemies; &c. &c. &c. and to hearken unto God more than unto men. (See Acts IV. 1–20, and 31; Acts V. 17–29, and 40–42.) Whatever be the result in our minds with respect to the main question, such a search will not be fruitless.—And might also the subject of taking any oath (see Matthew V. 33–37; James V. 12.) be investigated impartially by professors of different denominations; and might all who feel even the least doubt, (and of course cannot take an oath in *faith*, in full confidence of the taking of oaths being *not* forbidden,) declare their having *scruples*, and *affirm* what they know with full certainty to be the truth, when required!—These moral queries stand quite unconnected with other tenets of the Friends.

I admire the circumstance that the taking of no oath is prescribed in the French constitution of 1793. (79)

(79) Among the late publications containing most important remarks connected with the subject of war, I would mention:

Letters addressed to Caleb Strong, Esq. late governor of Massachusetts, &c.

War inconsistent with the religion of J. C. &c.

A solemn review of the custom of war, &c.

The Friend of Peace, &c.

All the above sold at the book store of Dodge and Sayre, No. 86 Broadway, New-York.

The Lawfulness of war for Christians, examined. &c. Sold by S. Wood and Sons, No. 357 Pearl-street, New-York.

And well calculated to give some idea of the horrors of war, and to promote a detestation of the same, are the accounts entitled:

The Distresses in Germany, &c. Sold by Collins and Co. No. 189 Pearl-street, New-York.

As to the taking of any oath, might especially those who *know* they are *saved*, investigate whether that act, as *now* commonly understood, can be consistent in them; or rather whether they must not, in affirming by oath, intend to do an act essentially different from that which, generally, the jury, &c. considers to be done by the person who takes an oath. I am inclined to think that under the former dispensation, those belonging to the Jewish Nation had a right to expect consequences in *this life* connected with that kind of appeal to God then authorised. This certainly was so in one case; see Numbers V. 19–22, and 27, 28.

## TRANSLATED EXTRACT

FROM A DUTCH MANUSCRIPT CONTAINING

### OBSERVATIONS

*Upon several articles of the French Constitution of 1793.*

[Compare the 70th, 78th, and 86th note.]

ARTICLE 34—36. ....

However, that the Sovereign should assemble often, is, generally speaking, very important, and has a powerful tendency towards the preservation of liberty. The designs of the friends of Democracy, stable liberty, and the true happiness of the People, would perhaps be best attained by the following institution: That *four* times in a year, on days and hours invariably fixed, and in the known and appropriated buildings, the sovereign People assemble in primary assemblies without any further convocation, and exercise their power, not only performing the necessary elections, but also voting, by *yeas* and *nays*, on every draught of a law which there may be proposed by the legislative body since the last assembly of the People, and voting in the same manner, by *yeas* and *nays*, on every proposal, (to repeal a law in part or in whole, or whatsoever other proposal it be,) which a fixed number of Citizens, within a fixed period, (for instance during fourteen days, not earlier than *four* weeks, nor later than *two* weeks, previous to the day on which the whole People assemble,)(80) shall have declared to the legislative body that they wish to be decided by the vote of the whole People.(†)—And that two days

(80) The design of this clause appears only to be, that this period should be considered as one day,—the memorials received within that period as one simultaneous application and demand.

(†) Every Citizen then who only takes care to be constantly present, during this fortnight, at the sittings of the legislative body which are always public, can know with certainty what subjects ought to be de-

previous to the assembling of the People, on each building appropriated for a primary assembly, [or within the same, as these places ought never to be locked up,] a notification be posted up, declaring which subjects are to be voted upon [by stating literally the questions that are to be put to the vote]; and that in the very same manner, at a fixed time afterwards, notice be given respecting the issue of the vote on each subject in every primary assembly throughout the Land, the number of *yeas* and *nays* in every assembly being expressly mentioned in this notification, that every Citizen may obtain information respecting the prevailing opinions and spirit in the different places and sections of the Country, and that deception respecting the issue of the vote, by falsified accounts, be prevented also.—The number of *yeas* and *nays* throughout the Land, and not the number of primary assemblies whose majorities have voted *for* or *against*, is to be counted in order to know the will of the People.

The above mentioned institution existing, the government should have always the power to convene the People *extraordinarily*, and be bound so to convene the same whenever a considerable number of Citizens (the number fixed by law) demand this; to vote on such questions as these Citizens shall have prescribed.

cided by the voice of the People, seeing a sufficient number of Citizens are demanding it.

The notifications, especially the second ones, would indeed cause some trouble, and some expense to the State; but a proper regulation would help much, and in France, which is so very populous, about 10,000 copies would suffice.

## EXTRACTS

FROM THE WORK ENTITLED : AN INQUIRY INTO THE NATURE OF  
THE SOCIAL CONTRACT ;

OR,

### PRINCIPLES OF POLITICAL RIGHT.

*Translated from the French of John James Rousseau.—London : printed for G. G. J. and J. Robinson, Paternoster-row. 1791.*

#### BOOK THE FIRST ; CHAPTER IV.

.....  
Thus, in whatever light we view things, the right of slavery is found to be null ; not only because it is illegal, but because it can have no existence ; for the terms *slavery* and *right* contradict and exclude each other : and be it from man to man, or from a man to a Nation, it would be equally nonsensical to say—*I make a covenant with you entirely at your expense, and for my benefit ; I will observe it as far as my inclination leads me, and you shall observe it as far as I please.*

#### BOOK THE SECOND ; CHAP. I.

*That the Sovereignty is inalienable.*

The first and most important consequence of the principles already established is, that the general will can only direct the forces of the state agreeably to the end of its institution, which is the general good : for if the clashing of private interest has rendered the establishing of Societies necessary, the accordance of the same interests has made such establishments possible. It is this common agreement between the different interests that forms the social bond ; and if there was not some point in which they all unanimously centered, no Societies could exist : for they are formed and maintained by this common interest, and by it alone they must be governed. I say, therefore, that the

sovereignty being no more than the exercise of the general will, can never alienate itself; and that the Sovereign, which is only a collective being, cannot be represented but by itself. The power may be transmitted, but not the will.

It is impossible that the will of an individual should accord in every point with the general will; it is at least impossible that such agreement should be regular and lasting; for the will of the individual is naturally inclined to preferences, and the general will to strict impartiality. It would be utterly impossible to engage for the continuance of this agreement of wills, even if we were to see it always exist; because that existence must be owing to chance alone, and therefore could not be depended on. The sovereign power may say, "my will at present agrees with the will of such a man, or at least with what he declares to be his will;" but it cannot say, "our wills shall likewise agree to-morrow;" as it would be absurd to think of binding the will for the future, since it is impossible for any will to consent to what might be injurious to the being from whom the will proceeds [ whenever that being perceives it to be so]. .....

## BOOK THE SECOND; CHAP. II.

### *That the Sovereignty is indivisible.*

For the same reason that the sovereignty is inalienable, it is indivisible. For the will is general(\*), or it is not; it is either the will of the whole body of the People, or only of a part. In the first case, this declared will is an act of the sovereign power, and becomes a law: in the second, it is but a private will, or an act of the magistracy, and is at most but a decree.

.....

(\*) To make the will general, it is not always necessary that it should be unanimous (81) but it is indispensably necessary that the vote of every Citizen should be taken, and then a majority of suffrages constitutes the general will.

(81) What follows is thus in the original: *Mais il est nécessaire que toutes les voix soient comptées; toute exclusion formelle rompt la géné-*



## BOOK THE SECOND; CHAP. VII.

.....  
 He who compiles the laws has not, in consequence of his employment, any right to legislate: and the People cannot, if they should be inclined, deprive themselves of that incommunicable right; because, according to the fundamental pact, it is only the general will that can compel individuals; and it can never be known whether a particular will is conformable to the general will, until it has been submitted to the free suffrage of the People. ....

## BOOK THE THIRD; CHAP. XV.

.....  
 The sovereignty cannot be represented, for the same reason that it cannot be aliened: its essence is the general will; and that will must speak itself, (82)..... The deputies of the People are of course not their representatives; they can only be their commissioners, and as such are not qualified to conclude upon any thing definitively. No act of theirs can be a law, unless it has been ratified by the People in person; and without that ratification nothing is a law. The People of England deceive themselves, when they fancy they are free: .....

The idea of representatives is modern, and derived its origin from the feudal government: a system so absurd and iniquitous, that, while it degrades human nature, it throws dishonour on the name of man. The People never had representatives in the Republics, or even in the monarchies, of ancient times; and the word was not known amongst them.

It is very singular, that at Rome, where the tribunes were so powerful, they never pretended any right to take

*ralité*. That is: But it is necessary that every voice be counted; any formal exclusion [from voting] destroys the generality [of the expressed will].

(82) The original is thus: *elle consiste essentiellement dans la volonté générale, et la volonté ne se représente point: elle est la même, ou elle est autre; il n'y a point de milieu. Les députés du Peuple ne sont donc ni ne peuvent être ses représentans, &c.*

upon them the functions of the People; and that, in the midst of such a multitude, no attempt was ever made to publish a law which had not been ratified by the will of the People personally given : (83) .....

### BOOK THE THIRD ; CHAP. I.

#### *Of Government in general.*

.....  
We have seen that the legislative power belongs to the People, and can belong to that body only. It is easy to see, on the contrary, by the principles already established, that the executive power cannot belong to the body of the People, as legislator.....

It is therefore necessary that the public force should have an agent which shall unite and employ that force, according to the direction of the general will.....

..... The government in a state is generally, and very improperly, confounded with the sovereign power, of which it is but the minister.

Thus we see that government is an intermedial power ..... charged with the execution of the laws, and the maintenance of civil and political liberty.

The members of this body are denominated magistrates or *kings*, that is, *governors* ; and the body collectively takes the name of *prince* : so those who think the act by which a People submit themselves to their chiefs is not a contract, have foundation for their opinion. That act is certainly no more than a commission, under which, simply as officers of the sovereign power, the members of government exercise, in the name of the Sovereign, the power delegated to them, and which may be limited, modified, or recalled at the will of the Sovereign ; the alienation of such a right being incompatible with the nature of the Social Body, and contrary to the end of the association.

I give the name of *government*, or *supreme administration*, to the legal exercise of the executive power ; and

(83) The original is : *et qu'au milieu d'une si grande multitude, ils n'aient jamais tenté de passer de leur chef un seul Plebiscite.*

## ROUSSEAU, ON THE

prince, or magistrate, to the man, or body, charged with that administration.

..... if the magistrate arrogates the right of making laws, ..... disorder must succeed to regularity; and, as power and [the general] will can then act no more in concert, the state must of course fall into despotism or anarchy.

..... On the other hand, as the increasing grandeur of the state presents to the members of government both the temptation and opportunity of abusing the public authority delegated to them; the greater power it is necessary to lodge in their hands for the purpose of governing the People [considered as individuals], the more should the power of the Sovereign be augmented, that it may control the government. I do not speak here of absolute power, but of power as it relates to the different parts of the state.

### BOOK THE THIRD; CHAP. XIII.

*How the Sovereign Authority is maintained. (Continuation.)*

It is not sufficient for an assembly of the People<sup>(84)</sup> to fix the constitution of the state by sanctioning a body of laws: it is not enough that they should establish a perpetual government; or provide rules, once for all, for the election of magistrates.<sup>(85)</sup> [In addition to the extraordinary assemblies which unforeseen cases may demand, it is necessary that there do exist, fixed, periodical assemblies, which cannot be abolished nor prorogued by any thing whatsoever; in such a manner that on the appointed day

(84) *Le Peuple assemblé*; THE PEOPLE, assembled together.

(85) The translation of the important clause which follows, being, in the work from which I copy, widely different from the original, I have substituted a translation which, I trust, is literal and expresses the true sense. The original is thus: *Outre les assemblées extraordinaires que des cas imprévus peuvent exiger, il faut qu'il y en ait de fixes et de périodiques que rien ne puisse abolir ni proroger, tellement qu'au jour marqué le Peuple soit légitimement convoqué par la loi, sans qu'il soit besoin pour cela d'aucune autre convocation formelle.*

*Mais, hors de ces assemblées juridiques par leur seule date, toute assemblée du Peuple, &c.*

the People are legally convoked by the law itself, without there being occasion for any other formal convocation.(86)

But, these assemblies excepted, which are constituted legal by the day on which they take place, all other assemblies, &c.]

.....

With respect to the frequency or infrequency of these established meetings of the People, they must depend on so many considerations, that it would be impossible at once to determine the point precisely.(87) This is however necessary to be observed, that, the more powerful the government is, the more frequently the Sovereign ought to come forward.

.....

#### BOOK THE THIRD ; CHAP. XIV.

##### *Continuation.*

At the moment that the People are legally assembled as a sovereign body, all the jurisdiction of government ceases; the executive power is suspended; (88) .....

These intervals of suspension, when the prince(89) acknowledges, or ought to acknowledge, an actual superior, have always been formidable to that power: and these assemblies of the People, who are the shield of the body poli-

(86) To answer the purpose it might prove essential that not only the day but the hour should be fixed by a fundamental law, and that also the precise spots for assembling should be by that law invariably fixed, and marked; if the Republic or State be any wise extensive.

(87) The meaning of the original appears to be, that no general rule, applicable to different countries differently circumstanced, can be prescribed, determining precisely the degree of frequency of these meetings.

(88) Rousseau (the Citizen of Geneva) has, to all appearance, here chiefly small States in view, where the result of the vote could be known in a few hours; he says in the preceding chapter that he wants only small States.—In more extensive States some regulations concerning the administration of public affairs, during those few days in which the result should not yet be known, might be indispensable; yet the main reasoning of Rousseau is little affected thereby.

(89) The man, or the body, charged with the administration; see the preceding page, first line.

tic, and the bridle of the government, have ever been the terror of the chiefs, who have not failed to employ all their cares and artifice, and to raise every possible objection and impediment, to prevent the Citizens from meeting. When the latter are avaricious, pusillanimous, and base, and are more desirous of repose than liberty, they cannot long withstand the strong efforts of government : (90) [thus is it that, while the resisting power (the power of the government) increases incessantly,] the sovereign authority vanishes in the end, and thus most cities [most states] perish by a premature fate.

### BOOK THE THIRD ; CHAP. XVIII.

#### *The means of preventing the Usurpations of Government.*

The result of these explanations confirms my assertion in the sixteenth chapter, that [the act by which] government is [instituted is] not a contract, but a law ; that the depositaries of the executive power are not the masters of the People, but their officers ; that they can establish and destroy them when they please ; [that these officers have not to enter into any contract, but that they have to obey ;] and that, in discharging the functions imposed upon them by the state, the members of the executive body only fulfil their duty as Citizens, without having any right to dispute about the conditions.

When it happens therefore that the People establish an hereditary government ; whether it be monarchical, in one family, or aristocratical, in one order of Citizens ; it is not an engagement which they make, but a provisional form

(90) Though the Citizens in general be not peculiarly avaricious, pusillanimous, and base, yet a government has a thousand means to increase gradually in power, and to hinder the People from showing their will in a regular manner. But the then People ought not to be considered as having been persuaded to give up any right, but the government as usurping unasked, and as oppressing. The People cannot easily in reality enjoy and preserve the exercise of their sovereignty, but they can never lose their sovereignty, as a right, as long as they exist as a People.

given to the administration, until it shall please the Sovereign to order otherwise. (91)

..... the state is no more obliged to continue the civil authority in the hands of the same chiefs, than the military in those of the same generals.

In proceedings of this nature, too much caution cannot be observed in adhering rigorously to all the requisite formalities ; in order to distinguish with certainty, between a regular legal act, and a seditious tumult ; and to know what is the general will of all the People, and what the clamours of a faction. .... and this obligation of opposing what is imagined to be the scheme of a factious party, gives great opportunity for the prince or executive power to maintain its situation in spite of the People, and yet avoid the appearance of usurpation : for under colour of only exerting rights to their full extent, it may easily go beyond the line ; and, pretending to have the public tranquillity alone in view, prevent the meeting of those assemblies intended for the re-establishment of good order. The silence which the People may be thus compelled to observe, and the excesses which government may at the same time privately encourage, may become powerful instruments for furthering the schemes of despotism : the former may be urged as a proof that the People approve the conduct of administration, because they do not complain of it ; and the latter employed as a means of drawing punishment on those, who have ventured to speak too freely of its evident tendency.

It was by such kind of practices that the *Decemvirs* at Rome, who by the laws of their institution were to be

(91) It appears very unlikely to me, that a People, really, in the free exercise of its sovereignty, should under any circumstances establish such an absurd government ; but Rousseau justly shows that even were this the case, the People (the Sovereign) cannot deprive themselves of their unalienable rights and sovereignty, but can order an other form of administration whenever it shall please the People. Therefore under any possible form of government the People ought to have opportunities to show its sovereign will regularly ; and, without such opportunities, how can it be proved at any peculiar time that a government is still legal by being conformable to the choice of the People then actually existing ?

M

elected annually, got their term extended to another year; and in that interval they, by preventing the assembling of the *Comitia*, endeavoured to perpetuate their power.

The same ready means are employed by all the governments in the world; who, when once they are armed with the public force, are sure to usurp, sooner or later, the sovereign authority.

The periodical assemblies of which I have already spoken, are the most proper means to prevent, or at least retard, this evil; but then they must be so ordered as to assemble of course at the stated period, without being formally convened: for in that case the prince cannot prevent their meeting, without openly declaring himself a violator of the laws, and an enemy to the state.

At the opening of these assemblies, whose object is the maintenance of the social treaty, two questions should always be proposed, and never on any account omitted; and the suffrages should be taken separately on each.

The first should be—"Does it please the Sovereign to preserve the present form of government?"

And the second—"Does it please the People to leave the administration with those who are at present charged with it?"

I presume, in proposing these questions, (what I think I have fully demonstrated,) that there is not in a state any one fundamental law which cannot be revoked, not even the social pact: .....

## TRANSLATED EXTRACTS

OF A PUBLICATION ENTITLED,

*Copie des pièces saisies dans le local que Babœuf occupait lors de son arrestation, &c. That is, Copy of the pieces seized in the place which Babœuf inhabited at the time of his arrestation.*

AT PARIS, AT THE NATIONAL PRINTING-OFFICE.

*Nivose of the fifth year. [January 1797.]*

[Vol. I. page 169.]

EQUALITY. LIBERTY. COMMON HAPPINESS.

*Erection of a Committee of Insurrection.*(92)

Some French Democrats, painfully affected, profoundly indignant, justly revolted at the sight of the unexampled state of misery and oppression which their suffering Country exhibits ;

Deeply impressed with the recollection that when a democratical constitution was offered to the People, and was accepted, this deposit, the constitution, was reposed *under the safeguard of all the virtues.*

Considering, consequently, that it belongs to men of the purest virtue and greatest courage to begin the undertaking of procuring satisfaction to the People, when, like at present, the rights of the People are usurped, their liberty ravished, and even their existence in danger ;

Acknowledging that to upbraid the People with cowardice is to accuse them unjustly, and that the People have

(92) This piece and the following appear to have been drawn up in the spring of 1796. That much beloved and respected friend to the People, Gracchus Babœuf, was arrested May 10th 1796, and shed his blood on the scaffold, at Vendome, May 27th 1797, together with Augustin Alexandre Joseph Darthé. They fell victims to their Patriotic zeal, this great enterprise to restore the French People to the enjoyment of their rights having proved abortive. The suffering French not long after groaned under the galling yoke of a foreigner, and whose slaughtered by thousands.



only deferred exercising their justice till this moment for want of having good leaders ready to appear at their head ;

Acknowledging that the measure of the crimes of an usurping authority having become filled, thereby the disposition in favour of a revolutionary explosion has been ripened in all minds, to such a pitch that, in order to render that explosion fruitful, and to enable the regulators to ensure the success, it will be perhaps necessary rather to repress than to accelerate the resistance of Freemen ;

Have resolved as follows :

#### ARTICLE FIRST.

They form themselves at this moment into a committee of insurrection, by the name of, The secret committee of public welfare. (93) In that capacity, they take upon themselves, to lead and direct in the beginning all those steps which are to conduct the People to repossess the exercise of its sovereignty.

#### II.

This committee is composed of four members.

#### III.

Sec. &c.

[Vol. I. page 172.]

*First mandate of the secret committee, directed to each of the principal revolutionary agents.*

#### CITIZENS !

There is a vast difference between a time of crisis and ordinary times. When the People enjoy their rights, when the principles of liberty triumph, no one has a right over the others without their concurrence : no one has a right to begin an enterprise relating to the general interest without asking and ascertaining the will of the whole People, and obtaining the assentment of the same. For this reason,

(93) *Directoire secret de salut public.*

that then the best order does reign, and the best order cannot be perpetuated but by rigorous adherence to the principles. Any individual who, things being in that state, should of his own accord invest himself with any title in order to take upon himself to be a public magistrate, without any concession made to him, but under pretence of being desirous of meliorating the state of his Fellow-citizens,—he would be an usurper, even upon the supposition that his intentions and final aim, closely examined, were very just. The ground of this truth is also very plain, to wit it is this, that when the People is enjoying liberty and its will can be asked and ascertained, it cannot be presumed that others are able better to judge respecting what is good and advantageous to the People than the People itself.

This is not the case when the People is chained down, when tyranny has thrown it into a state in which it cannot express its will on every subject in which it is interested; when of course it has become an impracticable thing for the People to order measures of a repressive nature to be used against its tyrants; when it is impossible for the People to take from them the usurped power of which they make use to cause the People to suffer and to languish, and to enslave them still more and more, yea to an extent of which the increase is beyond calculation.

In such a time, it is both just and necessary, that the most intrepid men, those most capable of devoting themselves, those who believe that to them energy, warmth of heart, and strength has been given in the highest degree, and all those generous virtues under the safeguard of which was reposed that deposite, a popular constitution, which every truly free Frenchman has never forgotten; ..... In such a time it is both just and necessary that these men of their own accord invest themselves with a dictatorship respecting the insurrection, that they begin that insurrection, that they bear the glorious title of conspirators(94) for the cause of liberty, that they take upon themselves the charge of magistrates to save their Fellow-citizens.

(94) *Conjurés*. Persons united by solemn engagement in a good cause.

Such are the grounds which, as it appears to us, justify our resolution, and give to it a character of grandeur and magnanimity. Having thus seen that our mission, bestowed upon us by ourselves, is highly legal, because the circumstances which render this mission indispensable to the attainment of liberty and the happiness attending it, do not permit that this power be transmitted by the sovereign Nation,—we have farther perceived this most encouraging truth: that the accusation of cowardice, wherewith they charge the People, is a mere slander, .....

[Vol. I. page 88.]

### SOLDIERS !

The moment is drawing near in which our Country must be rescued or be lost for ever. The People fatigued by the weight of their miseries, indignant at the oppression, are about to rise: in order either to destroy tyranny, or to perish together with our liberty. No, one cannot be a Patriot and suffer a government still longer to exist which is erected against the will of the People, on the tomb of the warmest friends of the People, on the violation of the People's rights, and on the overthrow of every Popular law. The misery of the People has risen to its highest pitch, and all the means to cause their voice to be heard have been taken from them; they have neither societies nor a public assembly to support their complaints ..... If any person speaks or writes for the People, he is thrown into prison, he is killed. ....

The People demands the constitution of 1793, which was unanimously accepted by the People, and perfidiously taken from them by means of the slaughter and imprisonment of the Patriots, to whom the name of terrorists was given.

The People demands that constitution, because it renders all men equal, by abolishing all distinction connected with riches, because it assures property and succour to the defenders of the Country and to the poor, and because

according to it the People can oppose whenever any proposed laws are contrary to their interests. (95)

If you are not friends to the kings, to the noblemen, and to the avaricious rich, you will be on our side; you will not listen to the deceiving voice of your staff-officers, who, disregarding their solemn oaths so often repeated by them, have thrown themselves into the arms of the present government, because they are abundantly paid for their base conduct, and above all because they are permitted to exercise over us that insupportable despotism which you had overthrown in 1789.

Ah! when you were shedding your blood on the frontiers to defend our Country, you little thought what horrible acts were committing in the interior: you fancied that you were fighting for liberty, for the People; and your triumphs, your blood, served only to erect a new tyranny, new distinctions, a new sort of insolency, on the ruins of ancient despotism.

Behold this directory: (96) do its insolent pomp, its magnificent palaces, its numerous guards, its haughtiness, and the baseness of the courtiers, not put us in mind of the court of the Capets? And our generals dressed so elegantly, do not they by their luxury and their disdainfulness resemble those proud noblemen whom they have succeeded? .....

Patriotic administrators directed the revolution so as to afford relief to unfortunate people. Chiefs who were friends to equality led you on to victory, they were denominated terrorists and dismissed. That terror which had saved the Country, was considered as a crime; and those courageous men, who, devoting themselves most nobly and entirely to the cause of the People, had braved every danger, were, under the character of the most infamous villains, appointed to the daggers of the opposers of the revolution.

After two years of counter-revolutions you ought to be undeceived. ~ .....

(95) See article 4, 58—60, 122, and others.

(96) *Directoire*; the then executive, composed of five members.

..... Ah ! soldiers, you belong to the People: oppressed, unhappy, like ourselves, you will join our ranks and cause the oppressors of the Country to tremble.

[Vol. I. page 145.]

.....  
The first successes of the People, strangely undermined by daily alterations, were ere long reduced to nothing, and, on the day preceding the 10th of August 92, the pretended liberty of the French did not differ from their liberty previous to the 14th of July 89.

How was that revolution of the 10th of August brought about, and what was the spirit of it? Did this revolution resemble that of the 14th of July? Was it planned and executed by the same men? Was there a like chance of success?

No, the spirit of this second revolution was not the same with that of the first; ..... Immoral men of all kinds had had time to gather lessons; ..... The class of intriguers and people living by their wits, ..... had also seen that the field for selfish speculations was rather limited than extended by the new order of things. The egotists and the unconcerned people became also aware that they were likely to lose more by it than they might gain; and that at least their profound repose, their unfeeling indifference, were at times disturbed amidst the general commotion: lastly, those who prospered by bad customs and vanity found themselves more out of their latitude, and disagreed more than all the rest. At the date of the 10th of August a coalition could not but exist formed by all these classes, and which was partly neutral and partly decidedly inimical. But on the other side a coalition was formed also: to wit, that of the virtuous men, and of the great mass of the People; for if we must own that in 89 intrigue, giddiness, and the people's being mechanically drawn towards that which is new and wonderful, did contribute very considerably to cause the revolution to be begun, we must also acknowledge that from 89 to 92 a great portion of the risen Nation became more consistent in their views and assumed a true character: in virtuous minds the generous plan was con-

ceived of seizing and taking in their own hands that which criminal and depraved persons had undertaken in favour of their unlawful desires: these virtuous men wished to turn to the benefit of the vast number of oppressed people that in which a great number of ambitious persons had had no other aim but to get into the places of other ambitious men. These insidious rivals had seen themselves forced to wear the mask of love of justice and the principles of eternal truth, because they stood in need of great energetic efforts and had made a just calculation of the efforts they might obtain by proclaiming the imprescriptible rights, of which always naturally deep marks are left in the heart even of the most degraded slave: but some of those men in whom that knowledge was united with honesty and with an ardent love to their fellow-men, some of those philosophers whom a sense of that which is right, had kept, for a long time, in the habit of ruminating on ideas concerning public happiness, less in an expectation of ever seeing any of those renewing plans brought into practice which were formed in their minds, than in order to let their benevolent imagination rove on consoling pictures capable of diverting them from the doleful sight of that social system under which they beheld the suffering human race in subjection; some from among these upright men, I say, electrified by an unlooked for state of things intervening, began to see that there was reasonable ground to consider as possible to attempt an application of theories, concerning which they felt no hope some time previous of occupying their minds for the benefit of their cotemporaries. Their souls, fired from that moment with all necessary courage, viewed as practicable the project of grasping from the hands of criminal men those elements of perfect justice which these had thought it advisable and politic to promote the fermentation of,—and this enterprise of virtue was successful. One man,(97) among others, rose up as early as the time of the

(97) Maximilien Isidore Robespierre, born, I believe, at Arras in France, and educated for the bar.—The memory of this great man is still truly beloved with the sincere and intelligent friends to the great principles in France; as is the memory of Saint-Just and Jean Paul

constituting assembly, and came forth with great qualifications to avenge human kind of the outrages so long endured by the same. In the midst of hypocritical parties, who knew that the great mass of the People possess virtues, and that they find their greatest advantage in the applying of the most strict rules of eternal justice ; in the midst of those men led by their passions who in consequence of that knowledgeaped love to the great principles, with a view of securing the confidence of the People, and of acting the part of masters over the same after having made use of them to overthrow those powers in whose stead they themselves wanted to rule ; that man of whom I am speaking came forth with the pure intention of seriously and sincerely working with the People to procure the same the reality of those things of which the great number of pretended defenders meant only to hold up a picture to their sight. Robespierre almost alone, desiring for the People something else than that which parties desired, had not however the appearance of being a very extraordinary man and insulated in the midst of his colleagues : a considerable number actuated by craftiness delivered discourses of which the morality seemed not different nor less pure than his. It was in that time sufficiently difficult to distinguish between the tinsel of virtue and real virtue. For a long time people appeared to be uncertain whether Robespierre himself did not belong to some party : some also might take him to be an intriguer more dexterous than all the rest, and ambitious for himself separately ; his perverse colleagues might have the last mentioned mistaken idea concerning him, because perverse persons, souls groveling in the dust, who judge of every thing according to their own feelings, have no conception that any other passion but selfishness can be capable to cause great schemes to be formed ; ..... (98)

Marat, men of uncommon qualifications and extended views, (especially Saint-Just) and conspicuous for their zeal and their devoting themselves unreservedly to the cause of the People.

(98) The piece from which this extract is made is not finished, but ends abruptly in the midst of a period.

[Vol. I. page 104.] (99)

..... It is equally wrong to take advantage of the circumstance that Robespierre, Couthon, and Saint-Just have taken a share in drawing up that constitution [of 1793].

The slanders against these men are not reasons; they were moreover only fellow-workers: Herault de Séchelles was the reporter of it; Guyton de Morveau, Berlier, Cambacérés, and others who at present (100) are members of the legislative body, had equally a share in drawing it up.

Besides, this charter is become the law of the People, having been accepted by them with joy and enthusiasm. We ought to judge of that constitution not according to the name of some men, but according to its contents, and according to the happiness of the People which has followed the proclamation of that constitution, and which has only ceased since the time when its slanderers and its enemies have been able to execute their project of throwing it aside.

That happiness of the People appeared to be on the point of being cemented for ever, when, on the ninth of Thermidor, the enemies of the People assassinated, Saint-Just, who concluded that discourse which has brought him on the scaffold by demanding that those institutions should be given to the People by which the Republican constitution was to be brought into operation; Robespierre, who desired that true laws should be made, and who abandoned since a considerable time the committee of public welfare, because four men in that committee (\*) did oppose, notwithstanding his endeavours, that the revolution, which began to become odious by its length and by some errors, should be brought to a close; and the virtuous Couthon, who never committed any other crime but that of detesting the villains that oppress us, and of thinking, with Robes-

(99) The following extract is a part of the piece entitled, *Quelques aperçus sur la révolution Française, &c.*

(100) To wit in the spring of 1796, when this piece was written.

(\*) Carnot, Billaud-Varennes, Collet d'Herbois, and Barrère.



pierre and Saint-Just, that it was time the People should have institutions.

What conclusion must we draw from the facts which have been called to remembrance, and of which the verbal processes, the official communications,(†) the journals, contain the numerous proofs? This: That all kinds of calamities assailed the Republic previous to the constitution of 1793, and that that law has united again, and re-established, every thing.

.....

---

## EXTRACTS

FROM THE WORK ENTITLED :

### CATO'S LETTERS;

OR

ESSAYS ON LIBERTY, CIVIL AND RELIGIOUS,

AND OTHER IMPORTANT SUBJECTS.

*The fourth edition.—London :*

PRINTED FOR W. WILKINS, .....

1737.

[Vol. I. page 96.]

*Of freedom of speech: That the same is inseparable from public liberty.*

Without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty, without freedom of speech: which is the right of every man, as far as by it he does not hurt and control the right of another: and this is the only check which it ought to suffer, the only bounds which it ought to know.

.....

Guilt only dreads liberty of speech, which drags it out of its lurking holes, and exposes its deformity and horror to day-light. ....

(†) In that time every thing was public. At present the councils will neither hear any petition, nor let the Nation know any thing.

Freedom of speech is the great bulwark of liberty ; they prosper and die together : and it is the terror of traitors and oppressors, and a barrier against them. ....

[Vol. I. page 111.]

*What measures are actually taken by wicked and desperate ministers to ruin and enslave their Country.*(101)

.....  
Few men have been desperate enough to attack openly, and barefaced, the liberties of a free People. Such avowed conspirators can rarely succeed : The attempt would destroy itself. Even when the enterprize is begun and visible, the end must be hid, or denied. It is the business and policy of traitors, so to disguise their treason with plausible names, and so to recommend it with popular and bewitching colours, that they themselves shall be adored, while their work is detested, and yet carried on by those that detest it.

Thus one Nation has been surrendered to another under the fair name of mutual alliance : the fortresses of a Nation have been given up, or attempted to be given up, under the frugal notion of saving charges to a Nation ; and Commonwealths have been trepanned into slavery, by troops raised or increased to defend them from slavery.

.....  
They [these corrupt ministers,] will be ever contriving and forming wicked and dangerous projects, to make the People poor, and themselves rich ; well knowing that dominion follows property ; that where there are wealth and power, there will be always crowds of servile dependents ; and that, on the contrary, poverty dejects the mind, fashions it for slavery, and renders it unequal to any generous undertaking, and incapable of opposing any bold usurpation. They will squander away the public money in wanton presents to minions, .....

They will engage their Country in ridiculous, expensive, fantastical wars, to keep the minds of men in continual hurry and agitation, and under constant fears and alarms ; and, by such means, deprive them both of leisure and inclina-

(101) This letter bears date, February 18th, 1720.

tion to look into public miscarriages. Men, on the contrary, will, instead of such inspection, be disposed to fall into all measures offered, seemingly, for their defence, and will agree to every wild demand made by those who are betraying them.

When they have served their ends by such wars, or have other motives to make peace, they will have no view to the public interest ; .....

They will create parties in the Commonwealth, or keep them up where they already are ; .....

They will not suffer any men, who have once tasted of authority, though personally their enemies, and whose posts they enjoy, to be called to an account for past crimes, though ever so enormous. They will make no such precedents for their own punishment ; nor censure treason, which they intend to commit. ....

They will prefer worthless and wicked men, and not suffer a man of knowledge or honesty to come near them, or enjoy a post under them. ....

They will promote luxury, idleness, and expense, and a general depravation of manners, .....

They will, by all practicable means of oppression, provoke the People to disaffection ; and then make that disaffection an argument for new oppression, for not trusting them any further, and for keeping up troops ; and, in fine, for depriving them of liberties and privileges, to which they are entitled by their birth, and the laws of their Country.

If such measures should ever be taken in any free Country, where the People choose deputies to represent them, then they will endeavour to bribe the electors in the choice of their representatives, and so to get a council of their own creatures ; and where they cannot succeed with the electors, they will endeavour to corrupt the deputies after they are chosen, with the money given for the public defence ; and to draw into the perpetration of their crimes those very men, from whom the betrayed People expect the redress of their grievances, and the punishment of those crimes. And when they have thus made the representatives of the People afraid of the People, and the People afraid of their representatives, then they will endeavour to

persuade those deputies to seize the government to themselves, and not to trust their principals any longer with the power of resenting their treachery and ill usage, and of sending honester and wiser men in their room.

.....

[Vol. 1. page 192.]

Power is like fire ; it warms, scorches, or destroys, according as it is watched, provoked, or increased. It is as dangerous as useful. Its only rule is the good of the People ; but because it is apt to break its bounds, in all good governments nothing, or as little as may be, ought to be left to chance, or the humours of men in authority : .....

..... There is no trusting of liberty in the hands of men, who are obeyed by great armies.

[Vol. I. page 255.]

*Cautions against the natural encroachments of power.*

Considering what sort of a creature man is, it is scarce possible to put him under too many restraints, when he is possessed of great power : he may possibly use it well ; but they act most prudently, who, supposing that he would use it ill, enclose him within certain bounds, and make it terrible to him to exceed them.

..... Even Nero had lived a great while inoffensively, and reigned virtuously : but finding at last that he might do what he would, he let loose his appetite for blood, and committed such mighty, such monstrous, such unnatural slaughters and outrages, as none but a heart bent on the study of cruelty could have devised. The good counsels of Seneca and Burrhus were, for some time, checks upon his wolfish nature ; and doubtless he apprehended, that if he made direct and downright war upon his People, they would use resistance and make reprisals : but discovering, by degrees, that they would bear any thing, and his soldiers would execute every thing, he grew into an open defiance with mankind, and daily and wantonly wallowed in their blood. Having no other rival, he seemed to rival

himself, and every day's wickedness was blacker than another.

Yet Nero was not the worst of all men : there have been thousands as bad as he, and only wanted the same opportunity to show it. And there actually have been many princes in the world, who have shed more blood, and done more mischief to mankind, than Nero did. I could instance in a late one, who destroyed more lives than ever Nero destroyed, perhaps an hundred to one. It makes no difference, that Nero committed butcheries out of cruelty, and the other only for his glory : however the world may be deceived by the change of names into an abhorrence of the one, and an admiration of the other ; it is all one to a Nation, when they are to be slaughtered, whether they be slaughtered by the hangman or by dragoons, in prison or in the field ; nor is ambition better than cruelty, when it begets mischief as great. ....

.....  
Hence grew the necessity of government ; ..... But frequently the remedy proved worse than the disease ; and human Society had often no enemies so great as their own magistrates ; who, wherever they were trusted with too much power, always abused it, and grew mischievous to those who made them what they were. Rome, while she was free (that is, while she kept her magistrates within due bounds) could defend herself against all the world, and conquer it : but being enslaved (that is, her magistrates having broken their bounds) she could not defend herself against her own single tyrants, nor could they defend her against her foreign foes and invaders ; for by their madness and cruelties they had destroyed her virtue and spirit, and exhausted her strength.

.....  
There is no evil under the sun but what is to be dreaded from men, who may do what they please with impunity. ....

People are ruined by their ignorance of human nature ; which ignorance leads them to credulity, and too great a confidence in particular men. .... But, alas ! how often are they mistaken in their favourites and trustees ; who,

the more they have given them, are often the more incited to take all, and to return destruction for generous usage.

..... Consequently liberty has too much cause to be exceeding jealous, and always upon her defence. Power has many advantages over her ; it has generally numerous guards, many creatures, and much treasure ; besides, it has more craft and experience, ..... liberty cannot subsist without power ; so that she has, as it were, the enemy always at her gates.

[Vol. III. page 55.]

*A display of tyranny, its destructive nature, and tendency to dispeople the earth.*

I intend to finish, in this paper, what I have so largely handled in so many others, the subject of liberty and tyranny ; a noble subject, superior to all others, and to the greatest genius, but fit for the consideration of every genius, and of every rank of men. It concerns the whole earth, and children ought to be instructed in it as soon as they are capable of instruction. ....

..... Nature smiles in vain where tyranny frowns : the very hands of men, ..... are turned by tyrants into the instruments of their misery, by being employed in vile drudgeries or destructive wars, to gratify the lust and vanity of their execrable lords, .....

..... They [tyrants] are supported by general ruin ; they live by the destruction of mankind : and as fraud and villany, and every species of violence and cruelty, are the props of their throne ; so they measure their own happiness, and security, and strength, by the misery and weakness of their People ; and continued oppression and rapine are their studied and necessary arts of reigning, as is every art by which they can render their People poor, abject, and wretched ; .....

Several new tyrannies have sprung up, like so many new plagues, within the memory of man, and like them have laid waste, but with a more regular and continued ruin, Countries once strong in liberty and people. And as tyranny, like every other full grown mischief, becomes more and

more insupportable every day, the condition of mankind under it must necessarily, and does actually, grow every day worse and worse, and they themselves fewer. And even when their numbers and their substance are lessened, or rather exhausted, the demands of the tyrant upon them are not lessened, nor his rapine abated, nor his expenses and exactions restrained.

When a tyrant has reduced a million of people to half that number by his cruelty and extortions, he madly expects from the remaining half the same revenue and assistance of men, which he had from the whole; and like the rest, they must perish to make good his expectations; and he often increases his troops as fast as his People decreases. So that his expense is enlarged as there becomes less to support it; but he will be supported, and his poor perishing people must do it, though they destroy themselves.

Such is the pestilent, savage, and unsatiable nature of this sort of monster, whose figure, throne, and authority is established upon the ruins of reason, humanity, and nature: he takes all that his subjects have, and destroys them to get more.

A late great prince, when he had lost and destroyed two millions of his people out of twelve, and reduced the whole to a degree of poverty and servitude scarce to be expressed, what impositions did he recall, what taxes abolish, what troops disband, for their relief? Not one. On the contrary, the swellings of his insolent heart continued, as did his merciless extortions upon his people, and his perfidious designs and encroachments upon his neighbours; ..... Nor can it be shown, that other princes who govern by the same authority, that is, according to their own whims and caprice, leave their subjects more plenty or happiness, or cheat or harrass their neighbours less, according to the measure of their power. In truth, the whole tribe are perpetually taking advantages, and usurping upon one another, and are constant goads and thorns in one another's sides, and in the sides of their people: ..... As his [a prince of this cast's] whole reliance must be upon his soldiers, he must increase them in proportion to his distrust of his

People; which is a confession of mutual enmity. Neither is it enough that his soldiers oppress and famish his People, for his sake and their own, (for both he and they are supported by the spoils of the People) but he must keep them as constantly employed as he can; because, if they be not employed in plundering, invading, and shedding of blood, they will grow unfit for such beneficent and necessary work; and may probably degenerate into humanity and mercy; than which a more terrible change could not befall their royal master; .....

Thus do these general destroyers proceed to lay waste the world: the best and most Countries in it are already, many of them, almost desolate, and some of them altogether, as I have shown in many instances; .....

Arabia, which once over-ran the world with multitudes, is now as desolate as the rest of the world which they over-ran. The Country of the Chozari, which was a vast empire, within these four hundred years, is now quite uninhabited, .....

What can be more affecting than this instance? Not a single soul to be met with in a vast and noble Country, which a few centuries ago was a potent empire, and contained millions! ..... depopulation makes every where, except in a few remaining free States, a prodigious and flying progress; even in Europe, as I have before proved in many instances. And in some of those free States, the seeds of servitude, the true cause of depopulation, and of every misery, seem to be sown deep. Alas! power encroaches daily upon liberty, with a success too evident; and the balance between them is almost lost. Tyranny has engrossed almost the whole earth; and striking at mankind root and branch, makes the world a slaughter-house; ....

That there is such a terrible waste of people in the world, cannot be denied; and it is as evident, that tyrants are the constant, regular, and necessary cause of it. ....

..... It is not enough for tyrants to have consumed mankind so fast, that out of twenty parts, they have within these two thousand years destroyed perhaps nineteen, (for so much at least I take to be the disproportion) but fresh machines of cruelty are still sought after, besides never



laying aside any of the old, till the destruction be fully completed. They seem to think, that they shall have enemies as long as any men remain; which indeed is a reasonable apprehension: but it is astonishing at first view, that mankind should have so long borne these unrelenting slaughterers of mankind.—But, alas! who knows not the force of corruption, delusion, and standing armies!

Oh liberty! Oh servitude! how amiable, how detestable, are the different sounds! .....

And here I conclude this noble subject of liberty; having made some weak attempts to show its glorious advantages, and to set off the opposite mischiefs of raging, relentless, and consuming tyranny:—a task to which no human mind is equal. ....

Those who do not groan under the yoke of heavy and pointed vassalage, cannot possibly have images equal to a calamity which they do not feel: and those who feel it are stupified by it, and their minds depressed; nor can they have conceptions large, bright, and comprehensive enough, to be fully sensible of their own wretched condition; and much less can they paint it in proper colours to others.

[Vol. III. page 70.]

It [the Turkish empire] has spun itself out, as the Saracen empire did before it, into a thread too long and too small to bear its own great burthen without breaking.

People are like wire: the more they are extended, the weaker they become; and the closer they are together, the richer they grow, and more potent. This is the language of common sense and experience: but ambition speaks another and a different language, for extensive empire and uncontrolled dominion; and being too well heard, puts men upon sacrificing their real strength to that which is only imaginary. Hence they(102) become really impotent in quest of false power, and destroy men in gross for the venal breath of a few flatterers, which they call

(102) To wit, "absolute princes," who have already obtained a despotic sway over their own Nation; of the condition of such this letter treats.

glory. But horrid and detestable are the ways to such glory, .....

[Vol. III. page 76.]

A Nation has but two sorts of usurpation to fear; one from their neighbours, and another from their own magistrates: nor is a foreign usurpation more formidable than a domestic, which is the most dangerous of the two, by being hardest to remove; and generally stealing upon the People by degrees, is fixed before it is scarce felt or apprehended. Like wild beasts in a wood, beset with toils as yet unseen by them, they think themselves free; but striving to escape, find themselves caught in the chains, which had long been preparing for them, and stealing upon them. Besides, for one People undone by foreign invaders, ten have been undone by their own natives rogues, who were intrusted to defend them; .....

[Vol. III. page 84.]

..... Nations are then free, when their magistrates are their servants; and then slaves, when their magistrates are their masters: the commonwealth does not belong to them, but they belong to the commonwealth, Tacitus says with great truth, *Nec unquam satis fida potentia ubi nimis est*: "Power without control is never to be trusted." Every Nation has most to fear from its own magistrates; because almost all Nations have suffered most from their own magistrates. ....

..... I have read somewhere, of the states of a Country, who having wildly granted to their prince a power of raising money by his own authority, in cases of great necessity; every case, ever afterwards, was a case of great necessity; and his necessities multiplied so fast, that the whole wealth of the Country was swallowed up to supply them: as it always will be in every Country, where those who ask are suffered to judge what ought to be given. A practice contrary to common sense, and which renders liberty and property perfectly precarious; and where it is continued, will end in taking without asking.

[Vol. III. page 227.]

..... The mock-heroes ..... wait for fame in a whole skin. They slaughter thousands who obey them, and undo millions who ought not to obey them ; and all to enslave others, who neither wish nor do them any harm, and with whom they have nothing at all to do. Even most of the instruments which they make use of, are made as miserable as they make those whom they oppress ; and few or none share the benefit of the plunder, but such as, wanting merit of their own to gain an honest subsistence, prey upon the industry of those that do. ....

.....  
It is, however, not to be wondered at, that whilst so many princes are beset with sycophants, always ready to applaud at a venture their wildest sallies and designs ; or with traitors, who, finding their own vile advantages in them, are ever determined to abet and execute them : I say, it is not strange, that princes in these circumstances should run frequently into wild freaks, and pernicious enterprizes, to the ruin of themselves and their subjects. ....

.....  
What did England gain formerly by their conquests upon the continent, but constant wars, slaughter, and poverty to themselves, and to their princes precarious foreign provinces at an English expense ; and had standing armies been then the fashion of the world, England would doubtless have conquered itself into slavery. ....

[Vol. II. 60th letter.](103)

Government is of such a nature, that the institution of it does not take away the natural right of men to be free ; the *right* to liberty remains theirs in all civil Societies whatsoever.

[Vol. IV. 115th letter.]

Only by the cares which a People take to keep the ruling power within due bounds, they preserve their liberty. Such Nations are free, whose magistrates are bound by laws and have to follow rules, fixed and prescribed to them

(103) The following passages I cannot vouch literal, having not the original second and fourth volume at hand, but only a translation.

by THE WHOLE BODY OF THE PEOPLE; but those Nations are enslaved, where the magistrates fix their own rules, and act according to their own desires and pleasure. The most sad misfortune this, which can befall a Nation; for whenever magistrates possess 'an arbitrary power, the destruction of the People depends only on their whims; and on that account we see most of the Nations of the world grow miserable and perish. ....

..... In cases of public disturbances and disasters the fault ought seldom indeed to be ascribed to the People: but often the People bear, on the contrary, with the utmost patience, the most dire calamities, which others, who nevertheless are paid sufficiently for the purpose of averting the same, bring upon them, by their foolish and rash conduct.

This sacred right of appeal to the People, was guaranteed to them [the Romans] by a very wise and severe law, which Livius describes in the following words. *Aliam deinde consularem legem de provocatione, unicum præsidium libertatis, decemvirali potestate eversam, non restitunt modo, sed etiam muniunt, sanciendo novam legem: Ne quis ullum magistratum sine provocatione crearet: Qui creasset, cum jus fasque esset occidi: Neve cædes capitalis noxæ haberetur.*

"The ancient consular law concerning the right of appeal to the People, that first, that only, support of liberty, which law had been reversed by the usurpation of the *decemviri*, was not only re-established, but also sanctioned by another law being made, by which it was prohibited to choose any magistrate from which there should be no appeal to the People: and which gave to every one lawful liberty to kill who-soever should appoint such a magistrate, and stipulated that the slayer should not become by that act guilty of a capital crime." And surely the reasons which the Romans had to make such laws were but too well founded, as the *decemviri*, from which there was no appeal to the People, had attempted to bring them into a state of slavery.

.....

Thus the Romans fixed proper bounds to the power of authority, and to them that exercised it, or annihilated such a power altogether, when it had become too formidable to be bridled.

EXTRACTS  
FROM A WORK ENTITLED:  
WAR INCONSISTENT  
WITH THE  
RELIGION OF JESUS CHRIST,

AS IT IS INHUMAN, UNWISE, AND CRIMINAL.

NEW-YORK :

*Published by Dodge and Sayre, No. 86 Broadway, 1815.*

[Page 38.]

The whole system of war is tyrannical and subversive of the fundamental principles of liberty; it often brings the great mass of community under the severe bondage of military despotism, so that their lives and fortunes are at the sport of a tyrant. Where martial law is proclaimed, liberty is cast down; and despotism raises her horrid ensign in its place, and fills the dungeons and scaffolds with her victims.

Soldiers in actual service are reduced to the most abject slavery, not able to command their time for a moment, and are constantly driven about like beasts by petty tyrants. ....

.....  
To inflame a mild republic with the *spirit of war*, is putting all its liberties to the utmost hazard, and is an evil, that few appear to understand or appreciate. No person can calculate the greatness of the evil, to transform the citizens of a peaceful, industrious republic, into a band of furious soldiers. And yet the unhappy policy of nations is to instil into their inhabitants a martial spirit that they may appear grand, powerful, and terrific, when in fact they are kindling flames that will eventually burn them up root and branch.

In confirmation of what has been said, if we examine the history of nations, we shall find that they have generally lost their liberties in consequence of the spirit and practice of war.

Thus have republics who have boasted of their freedom, lost their liberty one after another, and that this has resulted from the very nature of war and its inseparable evils is evident from the fact, that so violent and deadly is this current of ruin, republics have generally sunk down to the lowest abyss of tyranny and despotism, or have been annihilated, and their inhabitants scattered to the four winds of heaven.

What nation that has become extinct, did not first lose its liberty by war, and then hasten to its end under the dominion of those passions which war inflames?

..... Is it not a common sentiment that the liberties of a people are in danger, when war engrosses their attention? On the whole, is it not undeniable that peace is favorable to liberty, and that war is its enemy and its ruin? .....

[Page 61.]

*War necessarily infringes on the consciences of men, and therefore is criminal.*

Liberty of conscience is a sacred right delegated to man by his creator, who has given no authority to man, to infringe, in the least, on the conscience of his fellow man. ....

But governments, whether monarchical or republican, make laws as they please, and compel obedience at the point of the sword. They declare wars, and call upon all their subjects to support them.

Offensive war, by all professing christians, is considered a violation of the laws of heaven; but offensive war is openly prosecuted by professing christians, under the specious name of self-defence. .... But while many christians profess to make the distinction, [between offensive and defensive war,] and to consider offensive war criminal, they ought to have the liberty to judge, when war is waged, whether it is offensive or defensive, and to give or withhold their aid accordingly; otherwise they are not permitted the free exercise of their consciences.

But suppose this principle adopted by governments: could they prosecute war, while they left every individual in the free exercise of his conscience, to judge whether such war was offensive, or defensive, and to regulate his

P

conduct accordingly? Would it be possible for governments to carry on war, if they depended, for support, on the uncertain opinion of every individual? No; such a procedure would extinguish the vital strength of war, and lay the sword in the dust. This fact is well known, and monarchs declare war, and force their subjects to support it; the majority in republican governments declare war, and demand, and enforce obedience from the minority.

Though the constitutions of governments may, in the most solemn manner, guarantee to citizens, the free exercise of their consciences; yet governments find it necessary practically to make an exception in relation to war, and a man may plead conscientious motives in vain, to free himself from contributing to the support of war.

[Page 81.]

That it is an evil to spread distress, desolation and misery through a land, and to stain it with the blood of men, probably none will deny. War, with its attending horrors, is considered by all, even those who advocate and prosecute it, to be the greatest evil that ever befalls this wicked, bleeding, suffering world.

..... Yet the prospect of attaining some supposed good must be held out as a lure to the multitude, and a means of self-justification.

Usually the object of war is pompously represented to be, to preserve liberty, to produce honorable and lasting peace, and promote the happiness of mankind; to accomplish which, liberty, property, and honour, *that honour* which comes from men, must be defended; though war is the very thing that generally destroys liberty, property, and happiness, and prevents lasting peace. Such is the good proposed to be attained by the certain and overwhelming evil of war.

**EXTRACTS**  
**FROM A TRACT ENTITLED :**  
**A SOLEMN REVIEW**  
**OF THE**  
**CUSTOM OF WAR ;**

SHOWING THAT WAR IS THE EFFECT OF POPULAR DELUSION,  
AND PROPOSING A REMEDY.

*Re-printed by Peter B. Gleason & co. for Samuel Wood,*  
*New-York. 1815.(104)*

SECTION II. "*Shall the sword devour forever ?*"

That it is possible to produce such a state of society, as to exclude national wars, may appear probable from the following facts.

1. It is impossible for the rulers of any one nation to do much in carrying on a war with another, without the aid of subjects, or the common people.

2. A war between two nations is generally produced by the influence of a small number of ambitious and unprincipled individuals; while the greater part of the nation has no hand in the business until war is proclaimed.

3. A vast majority of every civilized nation, have an aversion to war; ..... Were it not for the influence of a few ambitious or revengeful men, an offensive war could not be undertaken with any prospect of success, except when the mass of the people are either uncivilized, or slaves. If then, as great exertions should be made to excite a just abhorrence of war, as have often been made to excite a war spirit, we may be very certain that rulers would find little encouragement to engage in any war, which is not strictly defensive.(105) And as soon as offensive wars shall cease, defensive wars will of course be unknown.

(104) Sold also at Dodge and Sayre's ; price one shilling.

(105) It appears to me, that wherever the rulers have, apparently, in fact, the persons and property of the People at their disposal,



4. It is an affront to common sense, to pretend that military officers and soldiers have no right to inquire whether a war be just or unjust; and that all they have to do is to obey the orders of government. Such a doctrine is fit to be taught only to slaves without souls. If a man is called to fight, he should be faithfully informed, and fully satisfied, that he is not to act the part of a murderer, that the blood of men may not be required at his hands. Every soldier ought to be impressed with the idea, that offensive war is murderous, and that no government on earth has any right to compel him to shed blood in a wanton and aggressive war. Yet in the present state of general delusion, the soldiers and most of the citizens are treated as having no more right to judge of the justice or injustice of a war, than the horses employed in military service. On one side a war is certainly unjust and murderous. Yet on both sides it is considered as the duty of soldiers to submit to the orders of government, and fight, whether it be murder, or nor murder! .....

5. National wars often originate from such petty offences, as would not justify the taking of a single life, and from false principles of honor, which every Christian should abhor. ....

It is enough to fill the mind of any reflecting man with horror, to think of the millions of his fellow men who have been sacrificed to the ambition, the avarice, the petulance, or the profligacy of ungodly rulers. How shocking the

wherever the People are to such a degree in submission to their rulers, that these have a fair prospect of making them generally submit to their commandments, both to turn out and to act in a great degree the part of soldiers, and also, to pay any taxes, laid upon them, like war itself, without their suffrages being taken,—that there, I say, even a very general existence of a strong and a just abhorrence of war, affords by no means perfect security against the danger of war being made, or brought about, by selfish men, tempted by the apparent war-gains, of power, patronage, pecuniary profits in various ways, &c. Yet it appears to me proper and calculated to do much good that a just abhorrence of war be manifested, and that the nature and tendency of war be pointed out, every where, as much as possible; but in how far will despotic governments, that dread the spread of light and truth, permit this to be done?

thought, of armies meeting under the influence of enmity, artificially excited, to plunge their bayonets into the breasts of each other ; and thus to offer human sacrifices by thousands, to some idolized phantom of ambitious or revengeful men ! In every war that has taken place, the soldiers, on one side or the other, have been either the slaves or the dupes of deluded or unprincipled rulers. ....

Public wars and private duels seem to be practised on similar principles. ....

There is, however, one circumstance usually attending public wars, which renders them more detestable than private duels. The duellist usually has the generosity to do his own fighting ; but war makers usually have the meanness to avoid the dangers which they create, and to call on other people to fight their battles.

## SECTION IV.

.....

Among the evil effects of war, a wanton undervaluing of human life ought to be mentioned. This effect may appear in various forms. When a war is declared for the redress of some wrong, in regard to property, if nothing but property be taken into consideration, the result is not commonly better, than spending five hundred dollars in a law suit, to recover a debt of ten. But when we come to estimate human lives against dollars and cents, how are we confounded ! .... Yet, by the custom of war men are so deluded, that a ruler may give fifty or a hundred thousand lives, when only a trifling amount of property is in question, and when the probabilities are as ten to one against him, that even that small amount will not be secured by the contest. It must however again be remarked, that war makers do not usually give their *own lives*, but the *lives of others*. How often has a war been declared with the prospect that not less than 50,000 lives must be sacrificed ; and while the chief agent in making the war would not have given his own life, to secure to his nation every thing that he claimed from the other ? And are rulers to be upheld in thus gambling away the lives of others, while they are careful to secure their own ! If people in general could

obtain just views of this species of gambling, rulers would not make offensive wars with impunity. How little do they consider the misery and wretchedness which they bring on those, for whom they should exercise the kindness and care of a father ! Does it not appear that they regard the lives of soldiers as mere property, which they may sacrifice, or barter away at pleasure ? War is in truth the most dreadful species of gambling. Rulers are the gamblers. The lives and property of their subjects are the things they put to hazard in the game ; and he that is most successful in doing mischief, is considered as the best gamester.

If by the custom of war rulers learn to undervalue the lives of their own subjects, how much more do they undervalue the lives of their enemies ! As they learn to hear of the loss of five hundred, or a thousand of their own men, with perhaps less feeling than they would hear of the death of a favorite horse or dog ; so they learn to hear of the death of thousands after thousands on the side of the enemy, with joy and exultation. If their own men have succeeded in taking an unimportant fortress, or a frigate, with the loss of fifty lives on their own side, and fifty-one on the other, this is a matter of joy and triumph. This time they have got the game. But alas ! at what expense to others ! This expense, however, does not interrupt the joy of war makers. They leave it to the wounded and the friends of the dead to *feel* and to *mourn*.(106) .....

(106) If it were the fashion, that when a king, and the influential few that surround him, should have ordered or allowed acts infringing the rights of a neighbouring Nation, this Nation should assemble, give their suffrages on the question of peace or an appeal to arms, and, in case of deciding for the latter, send forth their king to fight a duel with the aggressing king,—then, if the aggressor happened to fall in the duel, there might be some hope that his son and successor would feel deterred from repeating such infringements ; but according to the present customs, if a Nation suffers wrongs from a neighbouring government, and this occurrence affords a fit opportunity for declaring war, this rupture often amounts in fact to an agreement between the war-makers, that there shall be a lucrative period for some few leading men on either side, to fish in troubled waters, at the expense of the lives and property of a large portion of either Nation. And however

SECTION V.

.....  
 These facts, however, are so far from affording a plea in favor of the custom of war, that they afford a weighty reason for its abolition. If in the view of conscience, the aggressor is a murderer, and answerable for the blood shed in war; if one or the other must be viewed by God as the aggressor; and if such is the delusion attending war, that each party is liable to consider the other as the aggressor; surely there must be serious danger of a nation's being involved in the guilt of murder, while they imagine they have a cause which may be justified.

..... In private disputes there may be cause of complaint on each side, while neither has reason to shed the blood of the other; much less to shed the blood of innocent family connexions, neighbours and friends. So of two nations, each may have cause of complaint, while neither can be justified in making war; and much less in shedding the blood of innocent people, who have had no hand in giving the offence.

It is an awful feature in the character of war, and a strong reason why it should not be countenanced, that it involves the innocent with the guilty in the calamities it inflicts; and often falls with the greatest vengeance on those who have had no concern in the management of national affairs. ....

SECTION VI.

.....  
 Dr. Prideaux states, that in fifty battles fought by Cæsar, he slew *one million, one hundred and ninety-two thousand*

such a war ends with respect to either Nation is pretty indifferent to those leading men, who think that they know well enough what they individually have gained by the war, (but a dismal gain the fruits of inequity is!) and they feel induced 'ere long to promote some similar harvest.—I recollect no instance of any king or minister having got a consumption in consequence of grief on account of National losses.—And in the mean time many a government conquers from its own Nation a remnant of liberty by means of a foreign war, and finds in an increase of power and income something greatly calculated to increase a relish for war.—I would not charge such promoters of war with being aware of the extent of their guilt in acting so; many may deceive their own minds by pretences, but the sad result for the Nations is nevertheless the same.

of his enemies. If to this number we add the loss of troops on his own side, and the slaughter of women and children on both sides, we shall probably have a total of TWO MILLIONS of human beings, sacrificed to the ambition of one man.

If we assign an equal number to Alexander, and the same to Napoleon, which we probably may do with justice, then to *three* military butchers, we may ascribe the untimely death of SIX MILLIONS of the human family: A number equal to the whole population of the United States, in the year 1800. ....

## EXTRACTS

FROM A WORK ENTITLED:

### RIGHTS OF MAN:

*Being an answer to Mr. Burke's attack on the French revolution. &c. (107)*

.....

The French constitution says, that the right of war and peace is in the Nation. Where else should it reside, but in those who are to pay the expense?

In England, this right is said to reside in a *metaphor*, (108) shewn at the tower for six-pence or a shilling a-piece; so are the lions; and it would be a step nearer to reason to say it resided in them, for any inanimate metaphor is no more than a hat or a cap. We can all see the absurdity of worshipping Aaron's molten calf, or Nebuchadnezzar's golden image; but why do men continue to practice in themselves, the absurdities they despise in others?

It may with reason be said, that in the manner the English Nation is represented, it signifies not where this right resides, whether in the crown or in the parliament. War

(107) The first edition of this work appeared as early as the year 1791, in England.

(108) The crown.

is the common harvest of all those who participate in the division and expenditure of public money, in all countries. It is the art of *conquering at home* : the object of it is an increase of revenue ; and as revenue cannot be increased without taxes, a pretence must be made for expenditures. (109) In reviewing the history of the English government, its wars and its taxes, a stander-by, not blinded by prejudice, not warped by interest, would declare, that taxes were not raised to carry on wars, but that wars were raised to carry on taxes.

Mr. Burke, as a member of the house of commons, is a part of the English government ; and though he professes himself an enemy to war, he abuses the French constitution, which seeks to explode it. He holds up the English government as a model in all its parts, to France ; but he should first know the remarks which the French make upon it. They contend, in favor of their own, that the portion of liberty enjoyed in England, is just enough to enslave a country by, more productively than by despotism ; and that as the real object of a despotism is revenue, that a government so formed obtains more than it could either by direct despotism, or in a full state of freedom, and is, therefore, on the ground of interest, opposed to both. They account also for the readiness which always appears in such governments for engaging in wars, by remarking on the different motives which produce them. In despotic governments, wars are the effect of pride ; but in those governments in which they become the means of taxation, they acquire thereby a more permanent promptitude.

The French constitution, therefore, to provide against both those evils, has taken away the power of declaring war from kings and ministers, .....

When the question on the right of war and peace was agitating in the national assembly, the People of England appeared to be much interested in the event, and highly to

(109) To monarchs the frequent repetition of war affords moreover a pretence to keep a large standing army on foot at the expense of the Nation over which they rule ; and by means of such an army they often secure the better their thrones and despotic power against the Nation, and keep them in complete subjection.

Q

applaud the decision.—As a principle, it applies as much to one Country as to another. William the conqueror, as a conqueror, held his power of war and peace in himself, and his descendants have ever since claimed it under him as a right.

.....  
But it will perhaps be said, that though the power of declaring war descends in the heritage of the conquest, it is held in check by the right of the parliament to withhold the supplies. It will always happen, when a thing is originally wrong, that amendments do not make it right, and it often happens that they do as much mischief one way as good the other: and such is the case here, for if the one rashly declares war as a matter of right, and the other peremptorily with-holds the supplies as a matter of right, the remedy becomes as bad or worse than the disease. The one forces the Nation to a combat, and the other ties its hands. But the more probable issue it, that the contest will end in a collusion between the parties, and be made a screen to both.

On this question of war, three things are to be considered. First, the right of declaring it: Secondly, the expense of supporting it: Thirdly, the mode of conducting it after it is declared. The French constitution places the right where the expense must fall, and this union can be only in the Nation. The mode of conducting it after it is declared, it consigns to the executive department.—Were this the case in all Countries, we should hear but little more of wars.  
(110)

.....  
When we survey the wretched condition of man under the monarchical and hereditary systems of government,

(110) This so called French constitution of 1791 was very defective and deficient after all, nor was it ever submitted to the vote of the French Nation; it left a hereditary kingship to exist; it allotted an exorbitant yearly revenue to the king, and the power to propose the declaration of war; the so called National legislative assembly (considered as representing the People) had to decide upon this proposal, and the king had to sanction their decision.—The People could not constitutionally control the government nor manifest their will by voting

dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of governments is necessary.

What is government more than the management of the affairs of a Nation? It is not, and from its nature cannot be, the property of any particular man or family, but [of] the whole community; and though by force or contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the Nation only, and not to any individual; and a Nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and establish such as accords with its interest, disposition, and happiness. The romantic and barbarous distinction of men into kings and subjects, though it may suit the condition of courtiers cannot that of Citizens; and is exploded by the principle upon which governments are now founded. Every Citizen is a member of the Sovereignty, and, as such, can acknowledge no personal subjection; and his obedience can be only to the laws.

When men think of what government is, they must necessarily suppose it to possess a knowledge of all the objects and matters upon which its authority is to be exercised. In this view of government, the republican system, as established by America and France, operates to embrace the whole of a Nation; and the knowledge necessary to the interest of all the parts, is to be found in the centre, which the parts by representation form: but the old governments are on a construction that excludes knowledge as well as happiness; government by monks, who know nothing of the world beyond the walls of a convent, is as consistent as government by kings.

against the declaration of war.—No wonder that within a few months after this work was published war was actually declared by the French government; *in the name of the Nation* indeed, the rights of the Nation being in some measure acknowledged in words, but that Nation being completely passive notwithstanding with respect to this most important act, as though under the yoke of an asiatic despot.



What were formerly called revolutions, were little more than a change of persons, or an alteration of local circumstances. They rose and fell like things of course, and had nothing in their existence or their fate that could influence beyond the spot that produced them. But what we now see in the world, from the revolutions of America and France, are a renovation of the natural order of things, a system of principles as universal as truth and the existence of man, and combining moral with political happiness and national prosperity.

*"I. Men are born and always continue free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.*

*II. The end of all political association is the preservation of the natural and imprescriptible rights of man, and these rights are, liberty, property, and resistance of oppression.*

*III. ....*

In these principles there is nothing to throw a Nation into confusion by inflaming ambition. They are calculated to call forth wisdom and abilities, and to exercise them for the public good, and not for the emolument or aggrandisement of particular descriptions of men or families. Monarchical sovereignty, the enemy of mankind and the source of misery, is abolished; and sovereignty itself is restored to its natural and original place, the Nation. Were this the case throughout Europe, the cause of wars would be taken away.

It is attributed to Henry the fourth of France, a man of an enlarged and benevolent heart, that he proposed, about the year 1610, a plan for abolishing war in Europe. The plan consisted in constituting a European congress, or, as the French authors stile it, a pacific republic; by appointing delegates from the several Nations, who were to act as a court of arbitration, in any disputes that might arise between Nation and Nation.

Had such a plan been adopted at the time it was proposed, the taxes of England and France, as two of the parties, would have been at least ten millions sterling annually, to each Nation, less, than they were, at the commencement of the French revolution.

To conceive a cause why such a plan has not been adopted, (and that instead of a congress for the purpose of preventing war, it has been called only to terminate a war, after a fruitless expense of several years) it will be necessary to consider the interest of governments as a distinct interest to that of Nations.

Whatever is the cause of taxes to a Nation, becomes also the means of revenue to a government. Every war terminates with an addition of taxes, and consequently with an addition of revenue; and in any event of war, in the manner they are now commenced and concluded, the power and interest of governments are increased. War, therefore, from its productiveness, as it easily furnishes the pretence of necessity for taxes and appointments to places and offices, becomes the principal part of the system of old governments; and to establish any mode to abolish war, however advantageous it might be to Nations, would be to take from such government the most lucrative of its branches. The frivolous matters upon which war is made, shew the disposition and avidity of governments to uphold the system of war, and betray the motives upon which they act.

Why are not Republics plunged into war, but because the nature of their government does not admit of an interest distinct to that of the nation? (111) Even Holland, though an ill-constructed Republic, and with a commerce extending over the world, existed nearly a century without war: and the instant the form of government was changed in France, the Republican principles of peace, and domestic prosperity and economy, arose with the new govern-

(111) Republics have sometimes been plunged into war, but they are generally speaking less in danger of war, in proportion to the measure of control which the rightful Sovereign, the People, exercises over the government. It is very possible that the government, in a Republic as well as elsewhere, indulges hopes of gaining by war, but the majority of the Citizens ought to abhor and dread war, and will in general abhor and dread it.—The mere circumstance of the government's bearing the name of a Republican government, and the members of it being chosen by the People, affords no security whatsoever against this or any other evil, should such a government at any time have the means to act or reign uncontrolled.

ment; and the same consequences would follow the same causes in other Nations.

As war is the system of government on the old construction, the animosity which Nations reciprocally entertain, is nothing more than what the policy of their governments excite, to keep up the spirit of the system. Each government accuses the other of perfidy, intrigue, and ambition, as a means of heating the imagination of their respective Nations, and incensing them to hostilities. Man is not the enemy of man, but through the medium of a false system of government. Instead therefore of exclaiming against the ambition of kings, the exclamation should be directed against the principle of such governments; and instead of seeking to reform the individual, the wisdom of a Nation should apply itself to reform the system.

The intrigue of courts, by which the system of war is kept up, may provoke a confederation of Nations to abolish it, and a European congress to patronize the progress of free government, and promote the civilization of Nations with each other, is an event nearer in probability, than once were the revolutions and alliance of France and America.

## EXTRAITS

D'UNE LETTRE QUE

JEAN-BAPTISTE DROUET, (112)

*Membre du conseil des cinq-cents, se proposa d'envoyer au Citoyen Carnot, qui fut alors président du directoire exécutif ; au printemps de 1796.*

CITOYEN !

Vous m'avez demandé l'autre jour, et je vous ai promis de vous faire part de mes idées sur notre situation actuelle ; je remplis mon engagement : puissent mes faibles travaux être de quelque utilité au bonheur de ma Patrie ! c'est le vœu le plus cher de mon cœur : après lui avoir souvent sacrifié mon existence et ma fortune, il ne me reste plus qu'à former des vœux pour qu'elle soit enfin libre et heureuse.

Nouvellement arrivé sur le sol de la République, je jette de tous côtés des regards incertains, et je cherche quels sont les vrais amis de la Patrie, quels sont les moyens qu'on emploie pour procurer au Peuple l'accomplissement des vœux qu'il formait lorsqu'il a entrepris cette glorieuse révolution qui étonne l'univers.

Si je m'adresse aux hommes fortunés, aux savans, à ceux qui remplissent les emplois dans la République, tous crient anathème contre les Patriotes énergiques. Selon eux, tous ces hommes qui ont renversé le trône, la superstition, les préjugés, fait pâlir les rois, écrasé, anéanti leurs armées, et comprimé dans l'intérieur la malveillance et l'agiotage ;

(112) Drouet was that postmaster that stopped Louis Capet when travelling in disguise towards the frontiers ; when drawing up this letter he had recently returned from his long and aggravated captivity in Austria ; soon after, he was arrested on presumption of being implicated in the great enterprise of Babœuf and others ; but was acquitted.

To save to myself time, and avoid the trouble of translating, I have been induced to insert these extracts, and some other fragments, untranslated.

tous ces hommes, dis-je, ne sont que des terroristes, des monstres, des athées, des vandales, des brigands, des buveurs de sang.

Si au contraire je m'adresse au peuple, aux Patriotes prononcés, que j'ai toujours vu marcher de front avec moi sur la ligne de la démocratie, ils crient hautement que leurs adversaires sont des royalistes, des fanatiques, des agitateurs; ne méditant que la ruine et l'asservissement du Peuple, ne respirant que la vengeance la plus cruelle pour y parvenir, .....

Dans cette alternative, il ne m'est pas difficile de reconnaître que, d'un côté, sont les ambitieux, les égoïstes, qui, regorgeant de jouissances, ne trouvent plus de bonheur que dans le désir de l'orgueil, ..... de l'autre côté, sont les hommes qui sacrifient sans cesse à la Patrie leur satisfaction, leur repos, leur existence, et qui, toujours las de servir de marche-pied à la gloire des égoïstes et des ambitieux, luttent perpétuellement contre eux.

Dans cette lutte de la vertu contre le vice, le bon Patriote n'hésite pas sur le parti qu'il doit prendre; il sait bien qu'il y a beaucoup de dangers à courir, mais aussi il sait que la gloire l'attend au bout de la carrière; .....

Je cherche maintenant quels sont les moyens qu'on emploie pour procurer au Peuple l'accomplissement des vœux qu'il formait lorsqu'il fit la révolution. Son vœux prononcé était bien certainement de se donner une constitution qui lui garantisse ses droits naturels et politiques; il prétendait aussi jouir en paix du bienfait de cette constitution, et pour y parvenir il a dû désirer que ses représentants cherchent tous les moyens d'étouffer les semences de haines et discordes. ....

Je tourne mes regards vers le contrat social qui doit unir les Français, je vois que sans égard pour l'assentiment général et simultané du Peuple, qui avait émis librement et solennellement son vœu le 10 Août 1793; sans égard pour la promesse faite à ce même Peuple de faire des lois organiques pour mettre en activité la charte constitutionnelle; des hommes remplis d'animosité changent tout-à-coup le code des droits du Peuple. Curieux de voir si

la nouvelle constitution(113) que l'on vient de donner aux Français est marquée au coin de la sagesse et de la grandeur qui doit caractériser la Nation, j'ouvre le livre à Fribourg en Brisgau : je trouve les premières pages remplies par un discours préliminaire où perçe de toutes parts l'esprit de parti, et la passion des injures et des personnalités salissant un ouvrage que l'on destine à faire passer à la postérité ; on y voue à l'exécration tous les Patriotes dont l'énergie et le dévouement héroïque étonneront probablement un jour les races futures, .....

Dès le commencement de la révolution, tous les ennemis du nouvel ordre de choses voyaient avec douleur l'énergie et la fierté du Peuple augmenter en proportion des obstacles que ceux-ci apportaient à l'accomplissement de la régénération politique : ils sentaient que cette énergie ne pourrait être abattue que lorsque le Peuple serait désarmé, ses ressources anéanties, et par conséquent livré à la merci des dominateurs. En conséquence, la cour organisa un plan de désastre qui fut constamment suivi par les amis de la royauté. On suscita à la France pour ennemis toutes les grandes puissances de l'Europe (qui, par parenthèse, vinrent déclarer aux sociétés populaires que c'était uniquement contre elles qu'on avait pris les armes). Pour résister à cette levée immense de bouclier, la cour fit un appel général à la Nation, organisa des armées innombrables, ne fit aucun préparatif pour les alimenter ou les équiper, en confia le soin à des généraux choisis, qui avaient le secret de l'état, et qui devaient, chaque fois que l'occasion s'en présenterait, livrer la fleur de la jeunesse plébéienne au fer de l'ennemi, ou bien l'entasser dans des champs ou dans des hôpitaux mal sains et mal pourvus, afin d'éteindre une génération trop instruite de ses droits, trop impétueuse et trop énergique pour les soutenir. On s'était bien gardé de pourvoir aux besoins de cette armée, parce qu'on avait calculé que le Peuple Français, essentiellement grand et généreux, ne manquerait pas, dans un moment de détresse,

(113) Cette composition fut nommée, *La constitution de l'an trois ; ou, La constitution de '95.*

de donner avec enthousiasme à ses défenseurs tout ce qu'il possédait de plus précieux, qu'il se dessaisirait en leur faveur de ses armes, ses subsistances, et la quintessence de sa population. C'était-là où on l'attendait; c'était lorsqu'après d'innombrables sacrifices, les forces du Peuple seraient annihilées, son énergie abattue; c'était, dis-je, à cette époque, qu'on regardait le sacrifice consommé, et la victime prête à être immolée et dévouée à la fureur des amis du trône ..... le temps et l'expérience nous ont appris le résultat du plan de nos ennemis, et tout le machiavélisme de leur dessein. Le Peuple, ainsi qu'ils l'avaient prévu, est aujourd'hui dépouillé de ses armes, et de la plus grande partie de ses ressources; on saisit cet instant, et on assassine ses plus vertueux défenseurs.

.....



*Extraits d'une compilation intitulée, Copie des pièces saisies dans le local que Babœuf occupait lors de son arrestation &c.*

[Tome I. page 98.]

*Quelques aperçus sur la révolution Française, depuis la mort de Capet. [21 Janvier 1793.]*

Le jugement du sanguinaire Capet divisa la convention nationale en deux partis, qui se sont déchirés sans relâche jusqu'au 31 Mai 1793.

D'une part, les riches, ayant à leur tête Rolland, Dumouriez, Brissot, et presque tous les députés de la Gironde, n'auraient pas voulu sa mort; ils ont voté pour qu'on l'enfermât. Leur arrière-pensée, était qu'un regent eût gouverné sous le nom de son fils, à l'ombre duquel ces messieurs se seraient partagé les places et les trésors: la constitution de 1791 devait être mise en activité. Tel était le système des constitutionnels.

D'autre part, les sans-culottes, qui avaient voté franchement la République, demandaient, au nom de la justice, la mort de celui qui avait déjà couvert la frontière du sang

des Républicains, (114) qui, au Champ-de-Mars [17 Juillet 1791,] et devant les Tuileries, [10 Août 1792,] avait immolé tant de Patriotes.

Malheureusement la faction d'Orléans, qui demandait aussi la mort de Capet, mais pour mettre à sa place un individu de la branche d'Orléans, s'était mêlée aux Républicains sans qu'ils s'en doutassent : .....

Le jugement et la mort de Capet n'ont pas éteint les animosités et les haines : les deux partis se sont déchirés avec plus de violence et d'acharnement.

On sait la fuite de Dumouriez chez l'étranger, et ses efforts inutiles pour livrer son armée à l'ennemi quand ils ont connu qu'elle ne voudrait pas marcher sur Paris : il a laissé la frontière ouverte et sans défense contre une armée triomphante. [au printemps de 1793.]

La Vendée, organisée depuis long-temps pour la révolte, se soulève ; (115) .....

Lyon, Toulon, Marseille, s'organisaient en révolte.

.....

(114) Louis Capet, then stiled king of the French, according to the so called constitution of 1791, (which was never submitted to the vote and decision of the People,) proposed in the national legislative assembly the declaration of war against the king of Hungary and Bohemia ; the assembly passed an act in conformity ; Louis ratified that act, and on the 20th of April 1792 war was solemnly declared.—Thus France was involved in those dreadful wars, (which brought innumerable evils, and in the end military despotism upon her,) a considerable time previous to her becoming a Republic (21 September 1792,) and the People and the best Republicans becoming influential in any good degree.

(115) This rising in the Vendee, &c. which was the beginning of those dreadful horrors of civil war which can hardly be said to have terminated entirely within eight years, was closely connected with a decree of February 24th 1793, containing a demand (REQUISITION) of a certain number of men for the army, from each section of the Country, to be chosen by a kind of town-meetings.—This first act of compulsion, to defend France and to drive her enemies from her soil, was, in a manner, a groundwork to that conscription, horrible beyond all description, by which France afterwards was enslaved and destroyed.—May these sad facts make due impression on such as may make light of measures partaking in any measure of the nature of such a conscription ! And may each intelligent Freeman, who loves his Country and liberty, hate and dread war, FREEDOM'S BANE !



..... les désordres et les malheurs s'accumulaient. Paris, qui a fondé la liberté, qui la voyait s'écrouler, se leva, et demanda à la convention nationale de faire cesser les maux qui affligeaient la République.

Cette démarche de Paris était aussi un devoir. Les plaintes des départemens provoquèrent sa sollicitude. ....

Paris tout entier sous les armes le 31 Mai 1793, premier et 2 Juin, ne fait que montrer sa puissance. Il a consigné ses réclamations dans un manifeste en son nom et en celui des départemens, où il a demandé l'arrestation de plusieurs membres de la convention qu'il a désignés comme les auteurs du trouble.

Il ne pouvait pas se tromper sur les intentions de ces membres : ils étaient coupables aux yeux de la Nation ; c'étaient ceux qui s'opposaient à la discussion des lois, de la constitution demandée par le Peuple Français. Les procès-verbaux sont là ; ils sont une preuve sans réplique en faveur de la pétition des Parisiens.

Les Girondins sont arrêtés ; une commission est nommée pour présenter un projet de constitution républicaine suivant le vœu de toutes les pétitions : en moins de quinze jours la commission a fait son travail ; elle le soumet à la discussion. Comme on ne s'occupe plus que des intérêts du Peuple, comme la bonne foi préside à tout, on est facilement d'accord : ..... la constitution est faite. [24 Juin 1793.]

Ce projet de loi est présenté à la Nation entière ; (116) ..... les assemblées primaires envoient leurs députés à Paris célébrer la fête solennelle de cette acceptation, et féliciter la convention nationale, qui rendait le repos et le bonheur à la République.

Bientôt tout se rallie ; les départemens qui s'étaient révoltés viennent abjurer leur erreur ; l'incendie allumé dans le Calvados s'éteint ; Marseille, Toulon, Lyon, ne tardent pas à être reconquis à la République ; et bientôt après, quand les trahisons de Custine et d'Houchard ont été pu-

(116) Les mots omnia ici déclarent le fait de l'acceptation de la constitution ; pour en fait et le nombre des voix de part et autre, voyez page 64.

nies, les généraux Patriotes dirigent la bravoure des Français à la victoire : les succès depuis ont été en permanence dans nos armées.

..... (117)

..... sa mort [la mort de Robespierre] était résolue plusieurs jours avant le 9 Thermidor. [27 Juillet 1794.]

Les résultats de cette journée, qui est la victoire du crime sur la vertu, sont la mise hors de la loi de toute la commune de Paris, qu'on traînait pendant plusieurs jours sur l'échafaud, sans jugement, (\*) sans raison même apparente ; l'incarcération, le jugement, la mort des plus sincères et des plus intègres amis du Peuple.

..... Il fallait d'ailleurs, pour faire le procès à la constitution de 1793, dont ils [les constitutionnels] ne voulaient plus, le faire également au 31 Mai.

Tel fut le vrai motif de l'arrestation de Thuriot, Cambon, Lecointre de Versailles, Ruamps, Thirion, Fousse-dore, Huguet, tous acharnés Thermidoriens, mais qui se constituaient les champions du 31 Mai et de la constitution de 1793.

Tous ceux en qui on a soupçonné de l'énergie et quelques dispositions à tenir le serment qu'ils avaient fait de la maintenir, furent décrétés d'arrestation.

C'est alors vraiment que les partisans de Dumouriez, et par conséquent de Cobourg, triomphèrent et eurent le pouvoir de tout être.

Ils ont fait une constitution, dont ils espéraient que personne ne voudrait, ou au moins dont les dispositions ne tarderaient pas à faire regretter celle de 1791 qui est leur idole.

.....

La liberté était perdue le 13 Vendémiaire, [4 Octobre 1795,] si les Patriotes appelés par les Tallien, les Fréron et la masse de la convention, pour défendre leur vie menacée, n'eussent dispersé ces nuées de royalistes, qui heureusement sont lâches.

(\*) Le tribunal révolutionnaire d'alors était menacé d'être mis hors de la loi lui-même, s'il n'envoyait à l'échafaud ceux que la convention désignait.

(117) Une partie du morceau omis ici se trouve, traduit, page 93...

La journée de Vendémiaire fut celle des Thermidoriens ; ceux de cette faction qui le voulurent eurent des emplois ; les Patriotes purs et Républicains eurent une amnistie (118) et des dégoûts : on voit languir dans la misère les vrais Patriotes, et les places sont prodiguées aux intrigans qui se précipitent à corps perdu dans les révolutions, et flagornent le parti dominant pour s'enrichir.

La misère publique, loin d'avoir cessé ..... a augmenté et augmente de jour en jour ; les riches et les scélérats de toute espèce affament le peuple ; l'assassinat se commet impudemment et impunément ; les départemens se révoltent : rien d'efficace n'est employé pour faire cesser ces malheurs. Tels sont les auspices sous lesquels la constitution de 1795 est mise en activité.

Les Patriotes, effrayés de ces calamités, adressent leurs plaintes au directoire. Ils demandent aussi qu'on accorde aux défenseurs de la Patrie la récompense qui leur a été promise ..... Pour réponse à leurs réclamations, on les appelle anarchistes ; on fait fermer les lieux où ils s'assemblent.

Les regrets indiquent la constitution de 1793 comme le seul remède à nos malheurs, et aussi-tôt il y a une loi qui punit de mort quiconque demandera la constitution de 1793, ou un roi. (119)

Le peuple se plaint de ce qu'on le musèle ; il s'assemble sur les quais, sur les places publiques, et aussi-tôt il y a une loi martiale pour disperser les groupes.

(118) A vast number of Republicans were at that time set at large, after having been deprived of their liberty for about 14 months ; for by the help of numerous judicial murders, and the imprisonment of a large portion of the best Republicans, some governing enemies of Democracy had consolidated their power ; and they had by this time substituted the so called constitution of 1795, to that of 1793, which they never were willing to bring into operation.

(119) Not, to be sure, a law indeed, in the strictest sense of the word ; not a free and solemn expression of the general will ; but merely an expression of the will of a few governing individuals, who were far from permitting any such thing as the government briding and liberty preserving stipulations in art. 58—60 of the constitution of 1793 to take effect. Even Buonaparte's horrible conscription regulations bore the name of a law ; if the French could have delivered their votes on it, would there have been one yes in thousand ?

Cependant le directoire s'entoure de canons, de mitraille, de cavalerie, de bataillons ; des flatteurs le flagornent, lui disent que la République est heureuse, que la canaille seule se plaint, et que les baïonnettes sont à son service.

Il vit dans les bombances, dans un palais, suivi de laquais, d'un cortège d'états-majors, d'hommes à places, couverts de broderies, enrichi des dépouilles du Peuple. Il ne voit pas que toute autorité qui ne se soutient que par la violence est despotisme, et que ce genre de gouvernement n'est pas celui que les Français ont voulu se donner.

.....

[Tome I. page 216.]

*Aux départemens de la République Française.*

..... Aujourd'hui que le voile est déchiré, considère ton état actuel : rappelle-toi [Peuple Français,] les évènements qui se sont succédés les uns aux autres depuis le 9 Thermidor, et rends-toi compte du bien ou du mal que t'ont fait tes gouvernans : tu remarqueras qu'au moment même où les oreilles étaient frappées des beaux mots de justice, de vertu, d'humanité, le sang des Républicains coulait à grands flots dans toutes les parties de la France. .... parcours les départemens méridionaux, qui fument encore du sang des plus purs Démocrates : ton ame, pénétrée d'horreur, frémissa d'indignation.

Mais détournons un moment les regards de ces contrées malheureuses pour les fixer sur la ville de Paris : à quelles horreurs n'ont point été livrés depuis le 9 Thermidor ses infortunés habitans, réduits à deux onces de pain ! quelle vie triste et languissante ont-ils menée ! que de victimes entassées les unes sur les autres descendaient alors dans les ombres du tombeau ! l'épuisement, la fatigue de la misère, faisaient périr un monde immense ; hommes, femmes, enfans, vieillards, tout tombait indistinctement sous les coups de l'impitoyable mort. Le même jour éclairait la destruction de familles entières, livrées au plus affreux désespoir, et néanmoins le mot d'humanité retentissait tous les jours

dans le sénat, témoin et complice de ces horreurs. O pôtérité, le croiras-tu ?

Pendant cette crise affreuse, ce qui restait encore de Patriotes vertueux, recueille ses forces, expose à la représentation nationale les maux qui affligent le Peuple, et réclame la jouissance de ses droits. [2 Prairial An III; 20 Mai 1795.] Mais ces généreux apôtres de la liberté sont cruellement repoussés par la représentation nationale elle-même : cette assemblée de tigres porte la scélératesse jusqu'au point de faire fasiller un peuple qui demande du pain et la constitution qu'il a solennellement acceptée. Tant de sang n'assouvit pas sa rage ; elle exhale sa fureur sur quelques mandataires, qui, fidèles aux principes, avaient eu le courage de plaider la cause des Républicains. Oui, Peuple Français, ce sont tes amis que l'on a égorgés dans la personne de six courageux représentans qui, après la journée de Prairial, portèrent leurs têtes sur l'échafaud, pour avoir défendu tes droits ; ils voulaient ton bonheur, mais la troupe conjurée des aristocrates et des royalistes a répandu leur sang pour opérer la contre-révolution. C'est ainsi que, dans les départemens, l'on a égorgé, sous le nom de *jacobins*, de *terroristes*, et de *buteurs de sang*, tous les amis de la liberté et de l'égalité. Néanmoins, ces *jacobins*, ces *terroristes*, ces *buteurs de sang*, étaient des hommes qui professaient toutes les vertus républicaines, qui inspiétaient par leurs discours l'amour de la Patrie, qui mettaient un frein à la cupidité des riches, qui domptaient l'orgueil des despotes, soutenaient le crédit des assignats, et faisaient circuler dans toute la République une heureuse abondance. Tu le sais, Peuple malheureux ; tu regrettes le beau siècle d'or que tu as laissé échapper ; ta misère est à son comble ; tu languis dans un tel état de stupeur et d'inertie, que tu courbes sans résistance ta tête sous le joug de la tyrannie, comme si tu avais perdu le sentiment de tes forces. Tu bénis même dans la détresse où tu es, les modiques bienfaits que tu reçois de la main qui t'opprime. Peuple Français, qu'est donc devenue ton énergie ? Que le souvenir de ta dignité primitive, joint à celui des crimes de tes oppresseurs, excite ton noble courage. ....

*Extraits de l'ouvrage de J. J. Rousseau intitulé,*

**DU CONTRAT SOCIAL,**

**OU PRINCIPES DU DROIT POLITIQUE, &c.**

[Livre III ; Chapitre VI.]

.....

Mais s'il n'y a point de gouvernement qui ait plus de vigueur [que la monarchie], il n'y en a point où la volonté particulière ait plus d'empire et domine plus aisément les autres : tout marche au même but, il est vrai ; mais ce but n'est point celui de la félicité publique, et la force même de l'administration tourne sans cesse au préjudice de l'Etat.

Les rois veulent être absolus, et de loin on leur crie que le meilleur moyen de l'être est de se faire aimer de leurs Peuples. Cette maxime est très-belle, et même très-vraie à certains égards. Malheureusement on s'en moquera toujours dans les cours. La puissance qui vient de l'amour des Peuples est sans doute la plus grande ; mais elle est précaire et conditionnelle ; jamais les princes ne s'en contenteront. Les meilleurs rois veulent pouvoir être méchants s'il leur plaît, sans cesser d'être les maîtres. Un sermoneur politique aura beau leur dire que la force du Peuple étant la leur, leur plus grand intérêt est que le Peuple soit florissant, nombreux, redoutable : ils savent très-bien que cela n'est pas vrai. Leur intérêt personnel est premièrement que le Peuple soit faible, misérable, et qu'il ne puisse jamais leur résister. J'avoue que, supposant les sujets toujours parfaitement soumis, l'intérêt du prince serait alors que le Peuple fût puissant, afin que cette puissance, étant la sienne, le rendît redoutable à ses voisins ; mais comme cet intérêt n'est que secondaire et subordonné, et que les deux suppositions sont incompatibles, il est naturel que les princes donnent toujours la préférence à la maxime qui leur est le plus immédiatement utile. C'est ce que Samuël représentait fortement aux Hébreux ; c'est ce que Machiavel a fait voir avec évidence. En feignant de donner des leçons aux rois, il en a donné de grandes aux Peuples. *Le Prince* de Machiavel est le livre des Républicains.

.....

..... Ceux qui parviennent dans les monarchies ne sont le plus souvent que de petits brouillons, de petits frippons, de petits intrigans, à qui les petits talens qui font dans les cours parvenir aux grandes places, ne servent qu'à montrer au public leur ineptie, aussi-tôt qu'ils y sont parvenus. Le Peuple se trompe bien moins sur ce choix que le prince, et un homme d'un vrai mérite est presque aussi rare dans le ministère, qu'un sot à la tête d'un gouvernement républicain. ....

[Livre III ; Chapitre VIII.]

..... Ainsi dans la Démocratie le Peuple est le moins chargé [de contributions] ; dans l'aristocratie il l'est davantage ; dans la monarchie il porte le plus grand poids. ....

En effet, plus on y réfléchit, plus on trouve en ceci de différence entre les Etats libres et les monarchiques : dans le premiers tout s'emploie à l'utilité commune ; dans les autres, les forces publiques et particulières sont réciproques, et l'une s'augmente par l'affaiblissement de l'autre : enfin, au lieu de gouverner les sujets pour les rendre heureux, le despotisme les rend misérables pour les gouverner.

## FRAGMENS POETIQUES.

### EPIGRAMME.(120)

Ce mortel profana tous les talens divers,  
Il chanta les vertus, et commit tous les crimes.  
Barbare en action, et philosophe en vers,  
Il charma les mortels dont il fit ses victimes.

.....

Il noya dans son sang l'Europe et sa Patrie :  
Cent mille hommes par lui reçurent le trépas,  
Aucun n'en a reçu la vie.

(121) Non, mon cher Agathon, je ne suis point changé ;  
Exempt, tu le sais bien, de maint sot préjugé,  
J'ai de tout temps haï, frondé la tyrannie,  
Detesté l'esclavage ; et mon sombre génie,  
En secret révolté contre l'oppression,  
N'avait pas attendu la révolution.  
J'ai senti le besoin d'un autre ordre de choses ;  
Grâce au Ciel, il existe ; et toi, tu me supposes  
Contre ce qui s'est fait un injuste chagrin ;  
Non, si je gronde ici, c'est en Républicain,  
C'est en homme qui craint que de ce titre insigne,  
Plus d'un Français encore ne soit pas assez digne ;  
Qui voit avec douleur qu'on n'est point pénétré,  
De cet esprit public, et de ce feu sacré,  
Dont devait enflamer l'amour le la Patrie.  
De cent traits généreux mon ame est attendrie,

(120) This epigram was made on Frederic II. king of Prussia, surnamed THE GREAT ; and a great tyrant and butcher of men he was. He died August 17th, 1786. Buonaparte it appears attempted to imitate him in several respects, even in trifles of dress &c. and surpassed him far in tyranny and bloodshed.

The fifth line I leave out.

(121) These lines occur in a small piece published in the time of the French revolution.



Mais mon ami, combien de basses actions,  
 De calculs ténébreux, de viles passions !  
 Chez la plupart combien de froideur, d'égoïsme !  
 Qu'il est, sous le manteau d'un beau Patriotisme,  
 Des traitres, d'intrigans, d'avides fournisseurs !  
 Et tout cela, pourquoi ? C'est qu'on n'a point de mœurs ;  
 C'est que tout a changé, tout, excepté les hommes,  
 Et que nous même enfin, oui tous, tant que nous sommes,  
 Ne semblons pas encore assez bien convaincus  
 Qu'on n'est Républicain qu'à force de vertus.

*Le 10 Thermidor, ou la mort de Robespierre. (122)*

AIR : PAUVRE JAQUES.

1.

Ah ! pauvre Peuple, adieu le siècle d'or,  
 N'attends plus que peine et misère :  
 Il est passé dès le dix Thermidor,  
 Jour qu'on immola Robespierre.  
 Quand il vivait, il allégeait nos maux,  
 Il avait toute notre estime :  
 Les décemvirs, pour perdre ce héros,  
 L'accusent de leur propre crime.

2.

Brave Saint-Just, trop sensible Couthon,  
 Vous deviez être aussi victimes ;  
 De Scévola, de Socrate et Caton,  
 Vous eûtes les vertus sublimes ;  
 Et les tyrans qui, sous le siècle d'or,  
 Avaient perdu tout leur empire,  
 Pour le reprendre au jour de Thermidor,  
 Décrétèrent de vous détruire.

3.

Et vous, Lebas, Robespierre second, (123)  
 Vous aviez à défendre un frère ;

(122) This song, and the following, occur in a publication entitled,  
*Copie des pièces saisies dans le local que Babouv occupait, &c.*

(123) Robespierre the younger, a brother of M. I. Robespierre.

La mort ne fit point pâlir votre front,  
Et vous fûtes des Robespierres.  
Peuple, il n'est plus cet heureux siècle d'or  
Où tu n'avais pas de misère :  
Tu n'es plus rien.—Dès le dix Thermidor,  
Tu manques de tout sur la terre.

4.

Commune, (124) aussi tu fus de leur complot,  
Avec eux tu brisas le trône ;  
Pour t'en punir, tu meurs sur l'échafaud,  
Et c'est le sénat qui l'ordonne.  
Il nous ravit cet heureux siècle d'or,  
Et nous plonge dans la misère,  
En égorgeant, aux jours de Thermidor,  
Nos magistrats et Robespierre.

5.

Vous périssez, Citoyens et soldats,  
Animés d'un zèle civique ;  
Mais votre mort peut entraîner—hélas !  
La chute de la République.  
O généreux martyrs de Thermidor,  
Amis de la Démocratie,  
Nous n'aurions pas, si vous viviez encore,  
De rois, ni d'aristocratie !

6.

Républicains qui, dans ces jours d'horreur,  
Sûtes échapper au carnage,  
Rallions-nous, .....



Un code infame a trop long-temps  
Asservi les hommes aux hommes :  
Tombe le règne des brigands !  
Sachons enfin où nous en sommes.  
Réveillez-vous à notre voix,  
Et sortez de la nuit profonde,  
Peuple ! resaisissez vos droits,  
Le soleil luit pour tout le monde.

} *Refrain général.*

.....

(124) The city of Paris.

Pourquoi mille esclaves rampans  
 Autour de quatre à cinq despotes ?  
 Pourquoi des petits et des grands ?  
 Levez-vous braves sans-culottes. (125)  
 Réveillez vous, &c.

Dans l'enfance du genre humain,  
 On ne vit point d'or, point de guerre  
 Point de rang, point de souverain,  
 Point de luxe, point de misère !  
 .....

Hélas ! bientôt l'ambition,  
 En s'appuyant sur l'imposture,  
 Osa de l'usurpation  
 Méditer le plan et l'injure.  
 Réveillez-vous, &c.

On vit des princes, des sujets,  
 Des opulens, des misérables ;  
 On vit des maîtres, des valets,  
 La veille tous étaient semblables.  
 Réveillez-vous, &c.

Du nom de lois et d'instituts  
 On revêt l'affreux brigandage ;  
 On nomme crimes les vertus,  
 Et la nécessité pillage.  
 Réveillez-vous, &c.  
 .....

Et vous, Lycurgues des Français,  
 O Marat ! Saint-Just ! Robespierre !

(125) Dans un autre endroit on trouve les lignes suivantes :

Pourquoi mille esclaves rampans  
 Au pied d'un seul que tout seconde ?  
 Pourquoi des petits et des grands ?  
 Le soleil luit pour tout le monde.

Déjà de vos sages projets  
Nous sentions l'effet salulaire ;

.....

Déjà vos sublimes travaux  
Nous ramenaient à la nature :  
Quel est leur prix ? Les échafauds,  
Les assassinats, la torture.  
Réveillez-vous, &c.

L'or de Pitt et la voix d'Anglas  
Ont ouvert un nouvel abîme :  
Rampez ou soyez scélérats, (126)  
Choisissez la mort ou le crime.  
Réveillez-vous, &c.

D'un trop léthargique sommeil,  
Peuples, rompez l'antique charme :  
Par le plus terrible réveil,  
Au crime heureux portez l'alarme.  
Prêtez l'oreille à notre voix,  
Et sortez de la nuit profonde,  
Peuples ! ressaisissez vos droits,  
Le soleil luit pour tout le monde.

(126) Le sens est évidemment, à ce qui me paraît : Rampez, ou attendez-vous à être dénommé scélérats, à souffrir persécution : seulement par le crime d'abandonner la cause du Peuple vous pouvez éviter une mort violente.

A FEW  
WAR SCENES.

*Extracts from various communications, inserted in a publication entitled: An account of the distresses in Germany, &c.*

..... We have yet here [in Leipsic, Nov. 1813,] a prodigious number of sick and wounded;—upwards of 30,000 .....

..... Many thousands of the inhabitants of the adjacent villages and hamlets, landed Proprietors, Farmers, Ecclesiastics, ..... are with their families perishing of hunger. .... All around is one wide waste.

[Page 11.]

One of the first measures taken by Davoust in preparing Hamburgh for the impending seige, was to take from the Foundling Hospital some hundreds of children, from infancy to twelve years of age, and conduct them to a village about two miles from the city, and there turn them adrift in an open field, to be picked up by the country-people or perish!

..... Fifty thousand inhabitants [of Hamburg,] I say 50,000, and perhaps even 70,000, have left, and partly been driven from their homes, destitute of all means, ....

[Page 16.]

At Christmas and New-Year's Eve, [1813,] large bodies of inhabitants were turned out: young and stout persons, as being dangerous; and old and infirm ones, as being useless consumers. Soldiers and police-officers entered the houses by night, dragged the unhappy people from their beds, suffered them hardly to dress themselves, much less to take any thing with them, confined them for some hours in churches, and turned thousands of them, at day-break, out of the gates. .... From the hospitals and infirmaries, old and weak persons were driven in herds out of the Altona Gate; .... four of them were upwards of a hundred

years old. Some, having been unaccustomed for a length of time, to the air, and exposed half naked, to a cold of 19 degrees, (*Reaum.*) turned mad. .... Davoust ordered the infirmary called the Pest-hof, situated without the town, to be burned; .... During that night, the sick were thrown in the snow on the neighbouring field, where they lay till wag-gons arrived, on which the nervous, blind, maniacs, and those afflicted with infectious diseases, were promiscuously laden.

[Page 33.]

That part of Saxony lying between the Bohemian frontier and Dresden, including nearly all its villages, has of late been visited by the most direful calamities. ....

The tenantry of these once flourishing districts, houseless and without bread, are now suffering under the most fatal contagious sickness; of 36,000 inhabitants, 10,000 are afflicted with infectious fevers, and 6000 have already fallen victims to their direful effects.

More than fourteen hundred families (for twenty-five villages are wholly destroyed) are exposed almost naked, to the inclemency of winter, and have not even straw enough to lie upon.

[Page 38.]

..... We saw daily, thousands of sick and mutilated soldiers arrive here, [at Erfurt,] in the most wretched condition, emaciated with hunger and eaten up by vermin. .... It was a dreadful scene—many had died on the road; others died in the streets.



*Extracts from a periodical publication entitled : The Friend of Peace.*

[No. III. Page 6.]

.... Thus closed that memorable day, [Sept. 7th, 1812.] and with it terminated the lives of eighty thousand human

T

beings. .... In the space of a square league almost every spot was covered with the killed and wounded. .... But the most horrid spectacle was the interior of the ravines; almost all the wounded who were able to drag themselves along had taken refuge there, to avoid the shot. These miserable wretches heaped one upon another, and almost suffocated with blood, uttering the most dreadful groans, and invoking death with piercing cries, eagerly besought us to put an end to their torments. [*See, Labaume's circumstantial Narrative of the Campaign in Russia; page 148.*]

[No. III. page 12.]

.... Three thousand prisoners were brought from Moscow. Having nothing to give them during the march, they were at night driven into a narrow fold like so many beasts. Without fire, and without food, they lay on the bare ice, and to assuage the hunger that tortured them, those who had not courage to die, nightly fed on the flesh of their companions, whom fatigue, misery, and famine had destroyed. ....

Nov. 6. The soldiers vainly struggling with the snow .... How many unfortunate beings on this dreadful day, dying of cold and famine, struggled hard with the agonies of death. Stretched on the road, we could distinguish only the heaps of snow which covered them, and which at almost every step formed little undulations, like so many graves.

[No. III. Page 15, 17 and 19.]

.... At length the Russians advanced in a mass. At the sight of the enemy, the artillery, the baggage waggons, the cavalry and the foot soldiers, all pressed on, contending which should pass first. The strongest threw into the river those who were weaker, and hindered their passage, or unfeelingly trampled under foot all the sick they found in their way. Many hundreds were crushed to death by the wheels of the cannon. Thousands and thousands of victims, deprived of all hope, threw themselves headlong into the Beresina, and were lost in the waves.

The route was covered with soldiers, .... Some had lost their hearing, others their speech, and many, by excessive cold and hunger, were reduced to a state of frantic stupidity, .....

..... We gave up to pillage the magazines which were amply stored. .... The soldiers drank to excess, and more than 2000 of them, completely intoxicated, slept upon the snow. Benumbed with cold, they all perished.

On the morning of the 13th of December, out of four hundred thousand warriors, who had crossed the Niemen at the opening of the campaign, scarcely 20,000 men re-passed it, ....

[The Friend of Peace remarks,] The same spirit uniformly prevails in war. Similar scenes of havoc and horror, similar outrages and distresses, have been witnessed in other wars, but commonly on a smaller scale.

---

*From J. Fawcett's poem: Civilized War.*

" *Civilized War* ! in every shifting view  
Ill suits thee, fiend accurs'd, so fair a name,  
Though in the field a smoother form thou wear  
Than thy wild sister, hag of craggier shape,  
A feller fury thou ! for on thee wait  
Intenser sufferings, and a wider scene,  
With varied woes, thine ample mischief fills."

" Yet this same act, which e'en though singly done,  
If naked seen, such shuddering horror moves,

---

when it is done  
With all its tinsel on it, with its pomp  
And robe about it, by a numerous troop  
Whom ermined Mightiness commands and keeps—  
Gay rainbow batchers !—

---

the amiable vice  
Hid in magnificence and drown'd in state,  
Loses the fiend ; receives the sounding name  
Of GLORIOUS WAR !"—



" If but some few life-drops  
 Blush on the ground, for him, whose impious hand  
 The scanty purple sprinkled, a keen search  
 Commences straight : but if a sea be spilt—  
 But if a deluge spread its boundless stain,  
 And fields be flooded from the veins of man,  
 O'er the red plain no solemn coroner  
 His inquisition holds. If but one corse,  
 With murder'd sign upon it, meet the eye  
 Of pale discovery in the lone recess,  
 Justice begins the chase : When high are piled  
 Mountains of slain, the large enormous guilt,  
 Safe in its size, too vast for laws to whip,  
 Trembles before no bar."

EXTRACTS FROM A TRACT ENTITLED :

## A MOMENTOUS ADDRESS

TO THE

PEOPLE OF GREAT BRITAIN AND IRELAND ; &c.

*By an independent friend to radical reform.—*

London : printed by J. Bailey, 116 Chancery-lane, 1810.

.....  
 The greatest evils always attend slavery, and a state of subjection ; no national happiness is to be found but there where true liberty exists ; where every one enjoys his rights as a freeman, and continually exercises them.

.....  
 Unless the Almighty Lord of heaven and earth orders and fixes the civil institutions of a People, (which *only* took place in ancient times, in the case of the Jewish People, whom God favoured by giving them, through Moses, a constitution ; fixing a form of government, which has been with respect to its immediate Head, termed a Theocracy, but was in its form and spirit republican ; dividing the land into equal parts among them, with many precautions against

great inequality of possessions in following ages, &c.) unless this takes place, no legal power can exist in any Country, but by being bestowed by the expressed will of the People; and power so bestowed can be only a trust. The People are every where naturally the source of all power; the natural Sovereign; and all persons in power are their trustees, their delegates; so that whatever may be the title they bear, they are in fact persons employed by the People in their service, and servants to the People, who are the original Sovereign.

Wherever persons in power are not in such a relation towards the People they are *Tyrants*, and have no legal power whatever; they may be compared to robbers, who having broken into a house, and bound the inhabitants, the masters of the house, then command them to tell where their money is to be found;—for fear of death the inhabitants *obey*. Thus the French People, so deserving of our commiseration, obey the odious despot, Buonaparte. And much the same it is in all the countries on the continent. Whoever is not intrusted with his power by the full and unequivocally manifested will of the People, is a tyrant, not a trustee. And whether his forefathers swayed the same sceptre or not, there is no difference.

A trust can be taken by the proprietor from his trustee when the former thinks fit: this is the nature of the thing.

So the People, from whom alone all legal power emanates, have a right to take back their trusts, to appoint other trustees, or to make a change in the nature of the trust, as they think proper, and whenever they think proper; they are the free proprietors of all political power whatever.

A patriotic writer has lately said:—"It appears to me, that the *fundamental principles* of the British Constitution may be reduced to the following maxims:—First, That the People are the *source of power*. .... Another grand maxim of our constitution is, that the People have a right to be *their own Legislators*.—This right was at first exercised in their own persons, every Freeman having originally a vote in the making of Laws. .... The third grand principle of our Constitution is, the *right of every man to be tried by his Peers*. A fourth principle, inter-

"woven with our Constitution, is that of *Religious Liberty*."

PEOPLE ! *proprietors of all legal power ; proprietors of SOVEREIGNTY !* all these are your *rights*, for ever *unalienable !*

They are your natural, your sacred rights, as men ; every man upon his being of age becomes a member of society, a member of the Sovereign People, and possesses these *unalienable* rights for life.

You cannot deprive your posterity of any of these rights ; your forefathers could not deprive you of them.

The *rights* are lasting ; but a People may be compelled to suffer such institutions to take place, as will deprive them and their posterity of the power of executing their rights ; yet in such a case the People have still the same rights ; they have consequently the right of taking back their property, by every means ; the right of putting themselves in the free and unlimited execution and enjoyment of all their rights. They have the right of lawful insurrection.—Resistance against oppression is the natural right of man, and in many circumstances a most sacred duty, by the performing of which he may save himself, his children, and his Country from a shocking state of increasing subjection and slavery with all the numerous train of woes inseparably attending it. So, the first *Brutus*, with a few noble-minded Romans, pulled down the throne, and fixed a Republic where the Sovereign People exercised their rights ; thus he laid the foundation of Rome's happiness and grandeur.—So the Athenians drove *Pisistratus* out, fixed an excellent democratical government, and became happy, and their city renowned for wisdom and learning above all other cities.—So the Dutch People, when not allowed to utter freely their religious sentiments, and heavily burthened with *taxes*, .... in the latter part of the sixteenth century rose up, most formidably, for their political and religious liberty, ....

Even when a People are not compelled, but seduced to give over the enjoyment of some right, when even they yield any part of their rights, even then such an act is of no validity ; for the rights of man are *unalienable*, ....

Thus in all situations whatever, in every Country, the People, the source of all legal power, do possess these rights, and they are the Sovereigns in strictness of language.

But one may have a right, and one may in the mean time be unable to enjoy it. One has a right to take snuff out of the box which he bought, to send the box to a friend, &c. but as soon as the box is stolen from him he cannot make use of his right, though he has the same right, though he is the only legal proprietor of the box, and has a right to endeavour to recover the same. So the master of the house, lying bound and unable to move, beholding the robbers taking away his things, has a right to drive them out, but he cannot then enjoy it.

So the unhappy situation of many a People is now-a-days ; but their robbers found it impossible, however, to bind the large family quite so that they cannot move ; if only, to save the whole family, they have virtue and courage enough to encounter some danger, if only they are not frightened by the example of those generous persons, who, defending the oppressed family, fell victims to the wrath of the cruel robbers, then they *can* move, they can rise up, ...

A very learned and renowned political author, (J. J. Rousseau,) acknowledges and fixes the true principle that a People may choose and fix any kind of government or constitution, which they like for the moment ; but he in the same time, fixes, that under *every* government the People ought to meet on fixed times, [for instance the first day of the third and of the ninth month of the year,] without need of any decree or convocation from the government, and, in the first place, answer, as Sovereign, on these two questions :

First : Whether the Sovereign People choose that the existing form of government shall last unaltered ?

Secondly : Whether the People choose to continue the same persons in power, or to nominate other trustees ?

A most necessary and useful institution indeed this would be, to make it possible for the People to show their sovereign will most regularly.

Without such meetings of the People in their full sovereign capacity, frequently taking place, it may be oftentimes quite uncertain if the People still approve the constitution, laws, trustees, &c. and consequently it is then uncertain whether any power be still lawful.

Indeed where the People do not meet often, regularly, and in their full capacity of source of all legal power, and only true Sovereign, their liberty is not secured to them; men in power may break whenever they like through all institutions, (a constitution, an oath even, is a web of a spider for many of them,) and may trample on the sacred rights and liberties of the People. Experience and history warns us by manifold examples. Then often the People start astonished, full of indignation, but not having the proper means at hand for defending their liberties, and for putting a check to their oppressors, these go on, execute every despotical measure by military or other means, and if not in time restrained and punished by the People in some uncommon and awful way, they finish, by bringing the People under the yoke of extreme slavery; they establish and fix, on a fast footing, a quite despotical government, leaving still for some time the idle names of liberty, &c. to the unhappy People; for whom insurrection has then become almost impossible; and who see not long after, with slavish indifference, their country fall a conquest to foreign tyrants. So the fate of Rome was!

In France, a few years since, in 1792, 1793, and a part of 1794, true liberty began to be enjoyed; the rights of the People, the sacred rights of man, were then acknowledged. The people, all unprejudiced Patriotic men in France, were constantly united in their clubs, watching over government, which through all obstacles and dangers nobly trod the path which the public desire pointed out to them. A constitution was presented to the sovereign People to accept of it, and thereby to convert it into a law, or to reject it in their full power; every freeman came up to his primary assembly and gave his free vote, and the constitution proved to be accepted by the French sovereign People. Of about 24 millions, composing *then* the French

people, almost nobody had given a negative vote. This constitution, prefaced by a declaration of the for ever unalienable rights of man, should be known by every one who values his rights and his happiness. This monument of true wisdom and truth deserves our high esteem and meditation; the for ever true political principles are therein brought into practice, and the unalienable rights of every man, when and wherever he lives, and under whatever form of government he may find himself, are declared with plain words, and comprehensible even to the least enlightened understanding.

The right of liberty, being the right of freely doing every thing not contrary to the rights of others, is declared in the first place; farther, equality of all men before the law; the right of every one to resist oppression; full religious liberty, and perfect equality of rights, &c. for the individuals, whatever their feelings may be in respect to religious conceptions; the rights of property and safety; that nothing can be legally forbidden, but what is pernicious and harmful to human society; that no man shall be seized, &c. but according to law, and to the forms prescribed by it; never prosecuted but for acts forbidden by law; never tried but by judicial authority, nor punished but exactly so as law commands; full unlimited freedom of the press, it being an unalienable right belonging to every one, to communicate his feelings and opinions to others, in any such way as he may think fit; that the People are the Sovereign, and have always a right to make any change they like in their constitution and even to establish a quite different *form of government*, as their sovereignty, their right to changes, and every other unalienable right, does last under every form of government; that their delegates can pass decrees about some temporary matters, but can go no farther than to *propose LAWS* to the People, who in a regular manner, described by the constitution, may show their disapprobation within forty days, after which time, if the fixed number of freemen has claimed this, the whole People is called upon to meet (every one in his primary assembly, very near to his house,) and to decide by *yes* or *no*.

U

on the proposed law ;(\*) taxes, peace or war, &c. &c. are counted amongst laws, consequently submitted to the decision of the People ;(†) the delegates are only chosen for a limited, and not a long time ; on the day fixed by the constitution, the People meet to choose new delegates instead of those who go out, and can choose anew those who showed themselves friends to the People, rejecting the others, and electing in their stead worthier trustees ; only on the true and pure ground of the real population the number of primary assemblies is fixed, such a collection of them as results from a population of 39,000 to 41,000 souls returns one delegate, and consequently for the same number of men over the whole country, one trustee is nominated ; no borough's, no town's delegates, no inequality, not a fair way for corruption and the getting in of creatures of government !—No nobility, not one freeman exalted by *birth* without *merits* above another, no vain and debasing titles given by one man to his fellow !—Farther, this constitution fixes, .... a government without king ; the legislative, judicial, and executive power well separated, the latter not too mighty and strictly responsible ; justices of the peace, trial by jury, and many other good regulations to preserve man's greatest treasure, liberty ! And the Declaration of rights states, that in case of oppression, *insurrection* is the most sacred and the most indispensable duty *of the People*, and of *every* portion *of the People* ; and that those who usurp the sovereignty ought to be put to death by freemen.

This constitution, the full introduction of which was prevented by the dreadful external situation of France in those times, the armies of the coalition covering a considerable part of her territory, whilst the most daring and dangerous conspiracies, for reerecting the ancient throne and ancient slavery, followed each other,—this constitution is even

(\*) Very right ! for the definition of the word *law*, is, that it is the expression of the common *voluntas* or will ; when it be not such an expression of the will of the People, then it is *no law* ;—it may be an unlawful order given by oppressors. ....

(†) A new *penal code*, founded on benevolent enlightened principles, .... was about those times brought into action.

now the only lawful constitution of the French Sovereign People; as that People never revoked it, nor ever afterwards, freely, universally, or lawfully summoned, met again; to give a free vote on a proposed constitution, whilst the best part of the People, more than once, in the following years of aristocratical oppression, claimed that constitution at the peril of their lives, until quite silenced by reiterated murder, imprisonment, and deportation, of nearly all the worthy eminent friends and leaders of the People.

As long as the principles of this constitution were, in some degree, constantly practised by the administration, the French People enjoyed liberty, they enjoyed happiness, even amidst all the combined powerful attempts of the inward and outward enemies of liberty to crush them. The great strife triumphantly went on to the astonishment of thousands; the enemy's armies evacuated the French territory. A free People watching and defending their rights, their liberty, cannot be subjugated. Popular songs call this time *the golden age*.(\*) But, alas! the People began now to feel less anxious about the preservation of their liberty, they thought it was now more safe, but the friend to liberty should always be in fear for the loss of his great treasure, and keep always watching. Their meetings, their clubs, were no more so fervently and patriotically frequented; and now a great number of wicked members in the National convention, till this time kept in awe and to their duty by the watching eye of the People, which threatened every malefactor with condign punishment, conspired, (joining themselves to some desperadoes who feared the consequences of their peculation, unless saved by the immediate death of the best friends to the People and to justice and rectitude, whom they could not win, nor prevent otherwise their disclosures,) daringly attacked the best and most eminent Democrats and founders of liberty, (†) declar-

(\*) England then being at war with France, and the English government much in fear, lest the principles of truth and liberty should make impressions upon English minds, reports quite opposite to truth were here circulated. Even now what stories are told us concerning the Continent.

(†) The ninth day of *Thermidor*, 27th of July, 1794.



ed them outlawed, had them surprised and seized, together with the worthy magistrates of Paris, by military force, in the night, identified, and put to death *the same day*, (July 28th 1794,) by a set of men called together by them, under the name of a court,---clubs were shut, the press fettered, and liberty drowned in the blood of hundreds of Democrats, (often called Jacobins,) murdered within a few weeks. Since that time aristocratical oppression took place; the best Patriots generously formed, in vain, several virtuous combinations to restore liberty,---they fell, martyrs to the great cause of the People; and the People at last fell under the despotical sceptre of the most odious tyrant, who now, as a tiger thirsting for blood, depopulates France, and compells her youth to spread slaughter and destruction over the territories of faithful allies and worthy neighbouring Nations; fattening, throughout Europe, the ground with French blood. These are the dreadful, shocking consequences of want of vigilant and fervent activity, when liberty is only in danger, not yet quite lost.

How happy and glorious was the fate of North America, when struggling for independence and liberty, when all the People were heartily interested in that struggle. .... What an exalting sight for the Philanthropist, the introduction of the different constitutions in their different States, and their acknowledgment of so many a sound principle and right, was! And how happy they were for several years, enjoying true liberty, soon becoming a *large, mighty, REPUBLIC*, almost free from national debt, free from burdens and taxes, and preserving PEACE with every Country, whilst every where *kings* and *their ministers* kindled the most bloody and reiterated wars, and augmented taxes to an insupportable height. ....

If the .... do not take to heart the warning examples before their eyes, they too may be soon enslaved, the evil may soon triumph, and liberty and happiness be utterly extinguished. Dreadful consequences of increasing indifference about public affairs, and want of watch and activity. May the ..... perceive the necessity of the Sovereign People's heing itself the regularly working CHECK upon government.

May they see the danger of leaving much power in one person's hands ! May they fulfil their duties as Patriots, without losing any more time, and may happiness, peace, and liberty, be their reward, and the dear reward of their posterity, in their flourishing Republic !

Meetings, and clubs, are above description useful and necessary ; they and a free press, are the great bulwarks of liberty ; they are the means of propagating political knowledge ; the means of making universally known what takes place concerning the dear interests of the Country ; by them cool hearts are warmed, and the sleeping feelings of duty and Patriotism awakened ; they contribute to keep in awe wicked men in power.—As in an encamped army, when in danger from the enemy, ..... so the true friends to the People, the true friends to liberty, should watch ! Their position requires it more urgently : the enemies of liberty are more dangerous, they are inside, amongst the People, wolves in sheep's skins sometimes, and their dangerous arms are, cunning, and deceit, together often with all the military force of a realm, and immense treasures, extracted from the People. ....

..... after a victory the People gathered together to distribute the booty ; when displeased with their chief they turned him out of his office ;—so in ancient times, as history teaches us with full certainty, People governed themselves.—But, alas ! soon the chiefs began to assume more power ; and after some centuries, those chiefs, those conductors in war, had fixed an oppressing power, and overruled the People. Some People drove their tyrants out, as did Rome, and Athens ; some People preserved a part of their power and liberties, so the Germans and French met to choose their kings or chiefs, and the latter, or part of the latter, in less remote times, to consent to taxes and laws. During a long time your forefathers still met to choose a king, and to decide great matters.—Yet, in general, oppression gained ground every where, advancing in truth slowly, but uninterruptedly ; and when even repulsed by any happy rising of the People, by any happy revolution, &c. from the very moment it advanced again.

Thus they who were instituted for the defence and good of the People, the governors and managers of the public affairs, the kings, &c. became the worst and most dangerous enemies to the People. (\*) Destroying the liberties of the People, in them oppression is combined with treachery; they destroy where they are bound to protect.—Since a series of ages, this strife between the governors and the People, this strife between liberty and oppression, happiness and woe, took place. Even in the Roman Republic, the *Patricians* ever attempted to assume an aristocratical power, and to shut the People out from the powerful superintendence of the public affairs, and from the management of them; a long time the fall of liberty was deferred, by magistrates chosen by the People for the purpose of controlling every tyrannical act of government, whose decrees they could break by the word, "*Veto*; I FORBID IT;" and still more by the People themselves, by often meeting in their Sovereign capacity, and passing laws and decrees; and by sometimes stedfastly refusing obedience to the senate (for instance when a war began and they were called to arms) until this governing assembly consented to drop some measure which the People disliked. In other Countries other institutions were carefully, and seemingly skillfully, invented, to put a check to government, thus to prevent any violation of liberty, and to place the People in full safety in respect to it. .... But are institutions, rules, or laws, in themselves able to restrain those who have the power in their hands? Who have all the power of the sword and purse? Who may bestow lucrative dignities, &c. &c.? Alas! paper barriers! Can the *constitution* lay hands on its violator? Can the *law* inflict itself the condign punishment? Or are the People to trust that no more than one branch of government shall deviate from duty, and certainly be controlled by the others? Idle dreams! Britons remember only a few things, of all which you saw and experienced in the last years! A watching active People, executing their Sovereign Power, is the *ONLY efficacious check*

(\*) See, *CATO'S letters; or essays on liberty, civil and religious, &c.*

upon government;—and even a constitution without this, is as a law against an act of felony would be, if no court, no magistrate, no police officer, &c. were to be found; the virtuous might obey the law, every wicked person would have the power of transgressing unpunished.

..... To leave much power in the hands of one man, to leave it in his hands for life, even when decrepitude, or other causes, have injured his intellectual powers, to let, after his death, his eldest son take his place, only because he is his eldest son, are things which present themselves to every reflecting mind as being so unreasonable as they are dangerous. Who of you would appoint a steward for life? He might prove a villain, or become by some cause unfit and unable for his business. Who would appoint the eldest son of the steward for his successor, even ere the child was born, nor knowing whether he might not be the most dull boy in the world, or become a most wicked person; and then, when the father died, trust to the son, he might be a youth, a boy, a little infant, the whole stewardship, or at least let all things be managed in the little one's name, and by his friends!—If any man behaved so, most certainly we all would think him to be insane.—And if the kingship be an employment which requires no rational man, if it be an idle name, only fit to promote the views and interests of ministers, and men in power, to be a shelter for them, and the means to throw dust in the eyes of the People, and to spoil their sound ideas, what wise People should not then dislike, longer to *give their millions yearly, to pay this deceiving play*. The fate of a country where at the death of a king his successor is chosen by the nobility, has often proved still worse, in such a country often the most bloody civil wars have taken place between the rivals aspiring to the throne. Very often the following evils attend, among many others, a monarchical government. (127) Men, truly great, seldom having a liking to court the king, and by means of flattery to become his favourites, the king is sur-

(127) What solemn warning respecting this subject is contained in 1 Samuel VIII! See also 1 Samuel XII, 16—19; and Judges VIII, 22, 23.

rounded by base, selfish, and deceitful persons, who flatter his passions, and these often bring the greatest evils on the country; so the courtiers of Louis XIV flattered him as the greatest hero, and brought him to reiterated unjust wars, till, on his death-bed, that renowned conqueror saw with deep sorrow how he had wasted the French blood and treasure, and brought France, though seemingly mighty and victorious, to a state of utmost weakness and danger. Amongst such base flatterers, or their favourites, the king chooses his ministers, who only anxious for promoting their own prosperity and security, find it very often their interest to kindle wars, and to make them last long. Wars make them have a large number of soldiers at their disposal; they furnish a fair pretence for new taxes and burdens on the People; they captivate the attention of the public; they sometimes engross the king's mind, and turn his attention from the conduct of his ministers; they make them the more necessary for the king, when involved by wars in difficulties and dangers; they oftentimes procure the means, of *selling to the enemy*, a victory, or some retardation, or a sufficient delay that the same may frustrate an undertaking or expedition; they place new employments and favours at the disposal of ministers, who thereby gain new strength and numbers of adherents; &c. &c. War is the art of gaining victories at home.—The executive power has the means of going on, from one tyrannical step to another, to crush all liberty, and throw the People into slavery; People live in some respect upon the grace of their kings. Sound ideas are undermined; the Sovereign People are called the *SUBJECTS* of the king, whilst as to right, the king is either their *trustee* and *servant*, or an *unlawful tyrant*. The ships, the armies of the *realm*, of the *People*, are called his majesty's ships, armies, &c. as if the king were the *proprietor*. Laws (either the expression of the will of the People, or of no value, at least no *laws*,) are given in the name of the king, without mentioning the will of the People. So the plain man may be induced to believe that the king is his rightful master, instead of his trustee. By manifold similar means it is endeavoured to overturn all right

political conceptions, whilst moreover kings, and their ministers, have their bastilles, or similar graves for the living, to silence every enlightening instructor of the People.

America having no king, no courtiers, has no war neither, and few taxes, and almost no national debt! compare her lot to that of every kingdom! Remember how happy the flourishing Swiss and Dutch Commonwealths were!

Hatred between two nations so as to cause wars, now-a-days, People being influenced more or less by Christian principles, is unnatural and untrue in general. .... No, we every where see the People pray and groan for *peace*; only tyrants and governments bring forth the bloody wars, shocking to meditate on: men taking arms, wherewith they are not naturally provided, to kill thousands of their brethren, whilst not the most ferocious beast attacks his fellow. Hatred is alone artfully kindled by governments, in the hearts of a few unintelligent persons. To be sure no two Democratically governed nations would now-a-days resort to war against each other, their *People* would not decree war.

I drop the subject of monarchical government. ....

As the executive power, having the treasures, favours, employments, and often the military force, at their disposal, is always a dangerous power, much to be dreaded for the People and their liberty, it is of the greatest moment, in what way, and by whom, the executors of that power are to be chosen; none of them should enter upon his office but by the approbation of the People, and the People should be enabled to recall, in a regular manner by their vote in their meetings, every one of them who might have lost their confidence.

The original aim of penal laws, is to prevent mischief, by threats and by examples of punishment. The safety of the People, the preventing of real mischief, is the sole true, and reasonable ground for any penal law. To forbid, to restrain, or punish any act which produces no real mischief, is contrary to the rights of man; an edict for these purposes is an odious, execrable, despotical institution, not a law; nothing can be **LEGALLY** forbidden but what is pernicious.

W

cious, harmful, to *human society*. .... Every man has an unalienable right, to communicate his feelings and opinions, about every public, and private affair, and person, in any such way as he may think fit ; consequently the fullest freedom of writing and speaking, can never legally be restrained nor limited, nor can a man legally be punished for any writing or speech as such, however slandering, false, &c. its contents may be. Only when a crime, a murder, a setting on fire, or any other unlawful and mischievous act of violence, has taken place, then such a person upon whom it is proveable that he has caused or promoted the crime, by his writing, speech, or by any other means, and that his design was thereby to cause or to promote it, (\*) is punishable as an instigator or accessory to the crime. Punishment in any other case whatever, in consequence of writing or speaking, is illegal, ..... Pretended *laws* against *Libels*, &c. .... tend to deprive the People of many a free, enlightening, and most useful writing, and many a necessary warning ; and to promote the most iniquitous persecutions, and oppression on the best friends to the People. .... When a writer publishes an untrue aspersion, against any assembly or man, it will soon be found untrue ; not a hundred repeated untrue aspersions will degrade them, but their own bad conduct may soon do it. The virtues man relies safely on his innocence ; what is said against him may contain a useful and profitable warning for him to avoid even the appearance of things imputed to him ; and if he thinks it necessary, which will seldom be the case, or likely to produce any good, he may take up the pen and place his defence before the public ; measures of this kind are indeed the only proper and efficacious way to clear one's self from any unjust imputation, in the public eye ;—persecution has, naturally, an effect quite the reverse. .... [It was said of

(\*) Bad intention is the chief ingredient of any crime ; without bad intention no one can become criminal. To constitute a punishable crime, it is a first requisite that it be proveable that one has done an act to which he had no right ; and secondly, that he had an intention to perform the crime. (*The animus criminalis.*)

*Tiberius:] The public censure was true, else he had not felt it bitter.*

Let me now add a few more considerations respecting the present state of this country. .... lasting wars, ..... insupportable taxes you suffer ; .... Great, alarmingly great, numbers of English and foreign troops are at the disposal of ministers ; you are only to pay for the considerable expenses of their keeping, and to experience whether they won't prove the means to subjugate you and to subject you to a military despotism ; a powerful and crafty enemy threatens your coasts, an enemy who owes such a great part of his iniquitous successes and conquests, to corruption, and to the inability, sloth, and want of foresight that took place amongst his opposers ; if one day you see most clearly this country, sold by ministers, in the utmost danger of falling a speedy prey to Buonaparte, then (if not saving the Country by a glorious, lawful, dutiful INSURRECTION, which in such moments would be very difficult,) you may put a humble address to your perhaps quite enfeebled king, who may know nothing about what happens, in the hands of a *Secretary of State* ! Britons, consider your situation, the dangers you are in, before it be for ever too late ! .... Every Christian is bound to love his fellow-men, his brethren, as himself, and to do all that is in his power for their safety and happiness ; most active Patriotic conduct is a Christian duty ; and neglect of it, a resolution not to interest one's self actively with the fate of one's Country, is a resolution to disobey the law of God commanding love to one's neighbours. (\*) This shocking sin causes the fall, the woes, of many a People. Take to heart without any further delay the manifold warnings which Providence gives you, by foreign and by domestic occurrences, by Patriotic speeches and writings ; listen to those who Patriotically foretell you your woes ; ..... and save yourselves by immediately turning to your Patriotic duty. ....

(\*) Not cool words of wellwishing, but acts of love, are required of us. See *The Epistle of James, Chapter II, verse 15, 16.*



The assembly now called the house of commons is dissolved, prorogued, &c. by the will of the king, or rather by the will and according to the interests and views of ministers, ..... So in moments that their sittings might be most necessary, that a whole People looks to them, and great things should be voted by them, timely to save England, as for instance parliamentary reform now, the commons may be dissolved by one word of power, or their meetings may be prorogued for a long time. Indeed, having still this power, ministers might laugh at it, even when a house of commons existed, freely chosen by the People, and composed of friends to the People; indeed, as long as they were assured that it was in their power, at any time to make the house of commons submit to an order for prorogation, they need not to fear it; .... Now the commons being collected together in part by the worst means, which enable ministers, &c. to get their majority in a very easy manner, by corruption, promises, some distribution of the money, and places, and offices of the state, &c.—now ministers being very well satisfied with their obedient commons, complying with every supply, every new burden on the People, screening guilt, and, even in an unexampled manner, oppressing patriotic freedom and firmness,—now ministers can keep such a dear parliament for a series of years, .....

So, in general, under a so called limited monarchical government, and in most countries where there is a king, even the seemingly best institutions in behalf of the People, are either nothing but idle names in themselves, and only fit to deceive the People and make them believe themselves free, and their rights well guarded,—or these institutions were originally better, but in that case soon crafty courtiers prevailed to have only their shadow left.—Monarchical power jumps over every limit (when the People do not stand watching and ready to punish,) and naturally will very soon prove a despotic power; as manifold examples teach us.

As to the means by which since a long time the members of the house of commons were collected and their majority returned by a few persons instead of by the People, I refer to the *Petition* to the house of commons, resolved

upon by the Electors of Westminster, on the 9th day of February last; ....(\*)

(\*) .....

"That, in a petition presented to your honourable house by Charles Grey, Esq. (now Earl Grey,) on Monday, the 6th day of May, 1793, and which petition was entered on the journals of your honourable house, it was averred, and offered to be proved,

"That the house of commons did not fully and fairly represent the People of England.

"That the elective franchise was so partially and unequally distributed, that a majority of your honourable house was elected by less than a 200th part of the male population.

.....

"That 70 of your honourable Members are returned by 35 places, where the elections are notoriously mere matters of form.

"That, in addition to the 70 so chosen, 90 more of your hon. Members are elected by 46 places, in none of which the number of Electors exceed 50.

"That, in addition to the 160 so elected, 37 more of your hon. Mem. are elected by 19 places, in none of which the number of Electors exceed 100.

"That in addition to the 197 hon. M. so chosen, 52 more are returned by 26 places, in none of which the number of voters exceed 200.

"That, in addition to the two hundred and forty-nine so elected, twenty more are returned for counties in Scotland, by less than one hundred Electors each, and ten for counties in Scotland, by less than two hundred and fifty each.

"That, in addition to the 279 so elected, 13 districts of burghs in Scotland, not containing 100 voters each, and 2 districts of burghs, not containing 225 each, return 15 more of your hon. M.

"That, in this manner, 294 of your hon. M. are chosen, which, being a decided majority of the entire house of commons, are enabled to decide all questions in the name of the whole People of Great Britain.

"That 84 individuals do, by their own immediate authority, send 157 of your hon. M. to parliament.

"That, in addition to these 157 hon. M. 150 more, making, in the whole, 307, are returned to your hon. house, not by the collective voice of those whom they appear to represent, but by the recommendation of 70 powerful individuals, added to the 84 before mentioned, and making the total number of Patrons altogether only 154, who return a decided majority of your honourable house.

.....

"That seats in your honourable house are sought for at a most extravagant and increasing rate of expense. (128)

(128) I omit several parts of this long but important note; it proves plainly how the enjoyment of a most important right can be utterly lost by a People, whilst the name, the shadow, remains,

And while thus for rotten boroughs members are returned, in fact by one man, the populous towns of Sheffield, Birmingham, and Manchester remain without representative; and even in the neighbourhood of the metropolis, in the direction of Oxford-street, above 400,000 persons are in every respect unrepresented.—Great numbers of Britons throughout the Land are not allowed to vote, though certainly entitled to it; numbers of placemen and pensioners keep their seats in parliament, &c. &c. and under these circumstances, the necessity of reform for the salvation of the Country being so obvious, and the People claiming it so loudly, a great majority in the house of commons have *rejected*, nearly without discussion, the motion of the Patriot Brand, "That a Committee be appointed to inquire into the state of the representation in the house of commons, and to investigate the most effectual measures of reforming the same." At which rejection we ought not wonder when considering the means by which the majority were collected, and how much many members are interested in the continuance of the worst abuses.

..... Be from this very moment constantly watching: read some good newspaper, (129) ..... that you may at least know what is done publicly, and that the words of your true Patriots may reach your ears; read it with attention, and with a Patriotic heart, jealous of your liberty and rights; form Patriotic clubs every where throughout the Country, read and speak together, for mutual instruction, and for all those great benefits which clubs are likely to promote; communicate to each other, and take to heart, all what has been said by your eminent Patriots, and by friends of mankind, in those times when the French People enjoyed liberty: ..... Do follow with zeal every good advice. May a Patriotic fire burn up in your hearts, and raise you

(129) Wherever political parties exist, I think, it is highly advisable that each Citizen should read at least one paper of each party; that he may see public men and measures exhibited in a different light, receive timely warning and salutary instruction, and judge for himself respecting each important occurrence, disdaining utterly any thing like slavish subjection of his judgment to the leaders of any party, or implicit confidence in any man.

to deeds of generous love to men ! Take to heart the truths displayed in this writing ; .....

Ye Britons ! who by your station, your experience, your skill, judgment, or learning, joined with zealous Patriotism and enlightened political conceptions, are qualified above others greatly to profit the Country, the highest the most indispensable duties now rest upon you ! Maintain and defend the righteous cause of the People, the only source of legal power ! Teach and promote truly *sound* political conceptions ! and may political prejudices soon be expelled by plain truth and unsophisticated reason ! Unite, meditate, act ! Sacrifice every thing to your duty and to the People ! —Devote yourselves undivided to the great and good cause, the liberty and happiness of men. Fear nothing but to load your conscience with heavy guilt, by sloth and dereliction of your duties ! Ye who stood virtuous and unshaken for the cause of the People, respectful thanks to you in the name of thousands ! Go on in this most glorious path !

And you unfortunate Nations on the continent, who groan under the yoke of slavery, ..... You experience, alas ! the woeful consequences of living in a state of subjection to a quite unlawful despotic overruling power ; you experience the evils which naturally attend the loss of liberty. Wars, slavery under the yoke of a foreigner, cruel constraint to commit murder, to oppress, to be instruments to the most crying iniquities,—burdens, manifold miseries,—bow you down French People, once free, glorious, and admired ; and now the means, in a monster's hand to spread subjection and misery over the surrounding Nations ! Arise mighty French People ! Arise French armies ! .... Free yourselves, France, Europe, from depopulation, destruction, and continual wars ! .....

May the Almighty Righteous Lord of all, give his blessing, to all good virtuous endeavours to restore liberty, and the full enjoyment of rights ! May soon the chains of oppression every where be broken, unlawful power pulled down, tyrannical governments, and wars, which are debasing for mankind, no more be seen, and freedom, peace, and happiness be gratefully enjoyed over the Earth !

## BOOKS

**CONTAINING IMPORTANT MATTER.**

—♦—

A View of the Evidences of Christianity ; by W. Paley.  
—Sold by J. Tiebout & Sons, No. 238 Water-street, New-York.—\$ 1.25 cts.

15 Sermons of George Whitefield. 6 sh.—And 18 Sermons of the same. \$1.—Sold as above.

Letters and Sketches of Sermons. By John Murray, senior Pastor of the first Universal Society in Boston.—3 vol. \$6 in boards.—Sold by M. Byng, Sexton of the Society of United Christian Friends professing the Faith of Universal Salvation, No. 13 Chrystie-street, (late First-street,) New-York.

Addison's Evidences of the Christian Religion. \$1.—Sold by S. Wood & Sons, No. 261 Pearl-street, New-York.

Zion's Pilgrim. Sold as above.—6 sh.

Kidder's Demonstration of the Messiah.—Sold by T. & J. Swords, No. 160 Pearl-street, New-York.—\$1,50 cts.

Larduer's Works; containing his Jewish and Heathen Testimonies; Credibility of the Gospel-History; &c.—Sold as above.—\$54.

Lesley's Short Method with the Deists. Sold as above.—5 sh.

Chalmers' Discourses on Revelation. Sold as above.—\$1.50 cts.

Porteus' Evidences of Christianity.—Sold as above.—3 sh. & 6 pence.

John Newton's Works;—W. Romaine, Walk of Faith ; Mason's Spiritual Treasury.—All sold as above ; and also : Watson's Apology. 6 sh.—And Bogue's Essay.

*Triomphe de l'Evangile, ou Mémoires d'un Homme du monde revenu des Erreurs du Philosophisme moderne. &c.—Se trouve chez Fernagus, Libraire, No. 96 Broadway, New-York.—4 vol. \$8.*

*De la Religion Révélée, ou de la nécessité, des caractères et de l'authenticité de la Révélation. Par P. G. Herluison.—Chez Fernagus.—\$2.*

ey.  
W.  
P.  
S.  
T.  
U.





3 2044 024 497 851

